International
Instruments of the
United Nations



A Compilation of:

Agreements
Charters
Conventions
Declarations
Principles
Proclamations
Protocols
Treaties

Adopted by the General Assembly of the United Nations, 1945-1995

Compiled and edited by: Irving Sarnoff Founder: Friends of the United Nations

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Cover Art

"The Golden Rule" by Norman Rockwell Mosaic at United Nations Headquarters, New York

Introduction

The norms and standards painstakingly worked out by different United Nations bodies are the basis for much of the international law and cooperation that governs relations among Member States. Their impact extends to humane and sustainable development in both the public and private sectors, and addresses a range of issues, from human rights to air safety, encompassing such fields as educational guidelines, copyright standards, and health-care goals.

The establishment of global standards is nothing less than the acceptance of a common language among the nations and peoples of the world. In a practical way, the United Nations provides agreed tools that enable Member States and civil society to deal with common problems, such as poverty, environmental degradation and migration, in a coherent manner, drawing on the ever-expanding body of knowledge that contributes to standard-setting. Universally accepted norms have guided the actions of the international community at a time when ethnic, racial and religious conflicts have loomed large.

In its unique universality, the United Nations possesses the trust and credibility essential to the process through which nations can agree on universal norms and standards. And it is the United Nations that can provide the legitimacy for the promotion and enforcement of these standards. This legitimacy underlies all collective action, including efforts by the international community on behalf of human rights and peacekeeping.

We are indebted to Irving Sarnoff, a founder of the non-governmental organization Friends of the United Nations, for compiling this comprehensive set of norms and standards adopted by the General Assembly during its first 50 years of work. It bears witness to the broad scope and profound impact that standard-setting has had on the modern world. It is my hope that it will be used widely by United Nations partners in government and civil society and raise awareness of this invaluable legacy that we all share and enjoy.

Kofi A. Annan Secretary-General



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Foreword

For 50 years at the United Nations, the General Assembly, a unique body comprising a membership of 185 nations, has been serving humanity. While it does not have enforcement powers directly, in the realm of public opinion its power is considerable. Acting as a forum for the nations of the world, there is almost no area of universal concern on which the General Assembly has not focused its attention. Through its main committees and subsidiary organs, there is constant attention to the social, economic, legal and political problems facing our planet. The General Assembly has focused its attention on the problems of human rights, sexism, racism, relations between nations, the welfare of children and women—the list goes on.

Some of the products of the General Assembly are standards to which the nations of the world have agreed. Sometimes these are principles and strategies that help to guide behaviour, and sometimes the General Assembly adopts conventions and treaties that become part of the legal framework of the individual nations.

Even after a treaty or convention has been ratified by an individual nation, there is no ironclad guarantee that all of its provisions will be enforced. The world is still working towards systems of international law that will enhance the enforcement of instruments adopted by the General Assembly. At present much of what is adopted by the General Assembly relies on public opinion as the primary tool of enforcement. This vast body of treaties, protocols, agreements, conventions, declarations, proclamations, charters and resolutions is virtually unknown by most people. Having passed through the committees of the General Assembly and then the full Assembly, these products represent the conscience and wisdom of the nations. This is our world working together for the betterment of everyone and every nation. We have a responsibility to disseminate these standards widely; their implementation will make our world an infinitely better, more just and peaceful planet.

The material in this book is not copyrighted; the layout is meant to assist individuals and institutions in freely photocopying its contents.

All of the profits from the sale of this book will be used to distribute it widely and to inform the public about the work of the United Nations and its agencies. Contributions will be used to that end. Your comments and suggestions are most welcome.

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An Overview of Terms:

Treaties, Conventions, Protocols, Agreements, Declarations, Proclamations, Charters, and Resolutions of the General Assembly¹

This section provides an overview of some of the key terms employed to refer to the various instruments included in this publication, in order to facilitate a broad understanding of their scope and effect.² The terms covered include: treaties, conventions, protocols, agreements, declarations, proclamations, charters, and resolutions of the General Assembly.

The origins of these terms lie mostly in diplomatic and institutional practice developed over the years in relations among States, and this, to an extent, explains some of the uncertainties relating to their meanings. Their legal effects have also been the subject of ongoing academic debate. The ambiguities relating to their meanings are accentuated by the absence of uniformity in the practice of different States and international organizations.

Normally, the particular title given to an international agreement by itself has no overriding legal effect.⁵ The title may follow habitual uses, or may relate to the particular character or importance sought to be attributed to the instrument by its parties.⁶ The Permanent Court of International Justice (P.C.I.J.) and the International Court of Justice (I.C.J.) have both commented on this issue. In its Advisory Opinion on the Customs Regime Between Austria and Germany, the P.C.I.J. stated that:

from the standpoint of the obligatory character of international engagements, it is well known that such engagements may be taken in the form of treaties, conventions, declarations, agreements, protocols, or exchanges of notes.⁷

Furthermore, in the I.C.J. decision in the South West Africa case, the majority decision included the statement that:

terminology is not the determinant factor as to the character of an international agreement or undertaking. In the practice of States and of international organizations and in the jurisprudence of international courts, there exists a great variety of usage, there are many different types of acts

to which the character of treaty stipulations has been attached.⁸

Thus, it is apparent that international agreements may take many forms, and the terminology employed is not the decisive factor in determining the character of an international agreement. The key factor in the interpretation of an international instrument is the actual intent of its parties. In the practice of the United Nations Secretariat relating to the registration and publication of treaties, it is not the title of a particular instrument that is the determinant factor, but the actual intention of the parties. On the question of intent, the Secretariat usually takes into account the views expressed by the registering Party.

TREATIES

A treaty is a solemn and formal international agreement, governed by international law, between two or more entities capable of concluding such an instrument. Today, treaties are concluded between States and between entities having the capacity to enter into treaties, such as international organizations (e.g. the United Nations and its specialized agencies). In international law, the term treaty is used to embrace a range of international agreements. ¹⁰

The 1969 Vienna Convention on the Law of Treaties (the 1969 Vienna Convention) is considered to be the principal authoritative source on the law of treaties. ¹¹ Article 2(1)(a) of the 1969 Vienna Convention defines treaties:

"Treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.¹²

Thus, the 1969 Vienna Convention recognizes that treaties are international agreements which contain certain characteristics, regardless of their particular title or designation. This Convention entered into force in 1980. The 1969 Vienna Con-

²Due to space and time constraints, this overview is not intended to be exhaustive.

5International Law Commission, "Draft Articles on the Law of Treaties With Commentaries" in United Nations Conference on the Law of Treaties, Official Records, vol. 1 (New York: United Nations, 1971) at 8.

⁶L. Henkin, R. C. Pugh and others, eds., *International Law: Cases and Materials*, 2nd ed. (St Paul, Minn.: West Publishing, 1987) at 386.

⁷Permanent Court of International Justice, Advisory Opinion on the Customs Regime Between Austria and Germany, P.C.I.J. Reports, Ser. A/B, No. 41 (1931) at 47.

¹This paper was prepared under the supervision of Dr. Palitha T. B. Kohona, Chief, Treaty Section, Office of Legal Affairs, United Nations. The contributions made by the members of the Treaty Section, in particular by Mr. Gus Yan Harten, are acknowledged.

^{31.} A. Shearer, Starke's International Law, 11th ed. (London: Butterworth's, 1994) at 400.

⁴J. L. Brierly, *The Law of Nations*, 6th ed. (Oxford: Clarendon Press, 1963) at 317; and Paul Reuter, *Introduction to the Law of Treaties* (London: Kegan Paul International, 1995) at 29, para. 63.

⁸International Court of Justice, South West Africa case, I.C.J. Reports (1962) at 331.

⁹P. K. Mcnon, The Law of Treaties Between States and International Organizations (Lewiston: The Edwin Mellen Press, 1992) at 10.

¹⁰International Law Commission, *supra* note 5 at 8; and Henkin, Pugh and others, *supra* note 6 at 386. In this paper, the terms "treaty" and "international agreement" are used interchangeably to refer to treaties in the generic sense. ¹¹Henkin, Pugh and others, *supra* note 6 at 387.

¹² Vienna Convention on the Law of Treaties, 1969, Act. 2(1)(a), 1155 United Nations Treaty Series 331.

¹³ Shearer, supra note 3 at 397. Custom is one of the sources of international law, consisting of customary rules that have generally evolved after a long bistorical process culminating in their recognition by the international community. Other sources of international law, in addition to customary international law, include treaties, decisions of judicial or arbitral tribunals, juristic works, and decisions or determinations of the organs of international institutions. See Shearer, supra note 3 at 28, 31-7.

vention is regarded as being reflective of the general rules of customary international law relating to treaties. 13

The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations¹⁴ (the 1986 Vienna Convention) expanded the basic definition of "treaty" in the 1969 Vienna Convention to include international agreements involving international organizations as parties. ¹⁵ The 1986 Vienna Convention has not yet entered into force.

Although both the 1969 Vienna Convention and the 1986 Vienna Convention do not include non-written agreements in their definitions of a treaty, both also state that their provisions will not affect the legal force of international agreements that are not in written form. 16

Article 36(1) of the Statute of the International Court of Justice also refers to treaties and international agreements in the general sense. Included within the jurisdiction of the International Court of Justice are "all matters specially provided for . . . in treaties and conventions in force". 17

The United Nations Secretariat is also obliged under the Charter of the United Nations and the regulations of the General Assembly to address the question of treaties and international agreements. Under Article 102 of the Charter of the United Nations, Member States are required to register with the Secretariat "[e]very treaty and every international agreement entered into by any member of the United Nations". 18 The Secretariat is required to publish these treaties and international agreements. In effect, this function is discharged by the Treaty Section of the Office of Legal Affairs of the United Nations. Dealing with Article 102, the General Assembly has never laid down a precise definition for the term "treaty and international agreement" and has left the matter for gradual development through practice. 19 Also, the General Assembly intended the expression "international agreement" to cover the greatest possible range of agreements, including unilateral undertakings.²⁰ It is noted that, under the Secretariat's practice relating to the registration and publication of treaties, the registration of an instrument submitted by a Member State does not, by itself, grant the instrument the status of a treaty or international agreement if it does not already have that status.21

It has been observed that a treaty is "the main instrument which the international community possesses for the purpose of initiating or developing international co-operation". ²² International agreements can also be described as the major source of

14 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, UN Doc. A/CONF.129/15 (1986).

15 1986 Vienna Convention, Art. 2, supra note 14.

17 Statute of the International Court of Justice, 1945, Art. 36(1).

18 Charter of the United Nations, 1945, Art. 102.

19 Repertory of Practice of United Nations Organs, Supplement No. 3, vol. IV, Articles 92-111 of the Charter (New York: United Nations, 1973) at 191, page. 4.

para. 4. 20 Repertory of Practice of United Nations Organs, vol. V, Articles 92-111 of the Charter (New York: United Nations, 1955) at 294, para. 26.

rights and obligations in international law today.²³ They are capable of creating binding rights and obligations at international law.²⁴

Thus, in the generic sense, the term treaty is broadly applied to a range of international agreements. In general, the legal effect of treaties and international agreements depends on the intention of their parties to establish relations governed by international law and, in most cases, to create rights and obligations at international law.²⁵

CONVENTIONS

In general, a convention is also a treaty or agreement which creates solemn, legally binding international obligations. Therefore, conventions have the characteristics of treaties.

In its contemporary usage, a convention denotes a formal instrument of a multilateral character. ²⁶ The term is usually not used to describe bilateral agreements; ²⁷ however, there are examples of bilateral treaties that have been designated by the parties as conventions. ²⁸ This would be a reflection of the practice of the relevant States.

In addition to its more specific meanings, described above, the term convention has been used in the broad sense to describe various international agreements, regardless of their particular title or designation.²⁹ Significantly, Article 38(1)(a) of the Statute of the International Court of Justice refers to "international conventions, whether general or particular" as a source of law that can be applied by the Court.³⁰ The International Law Commission has noted that this generic use of the term 'convention' embraces all international agreements, in the same way as does the generic term 'treaty'.³¹

Conventions are normally intended by their concluding parties to remain open for participation by the international community as a whole, or by a large number of States and/or international organizations. This was a factor, for example, in the International Law Commission's decision to re-formulate and codify the law of treaties in the form of a convention when drafting the Vienna Convention on the Law of Treaties during the 1960s.³² According to the Commission, one of the reasons for using the form of a multilateral convention was that a convention:

22 Shearer, supra note 3 at 398.

23 P. T. B. Kohona, The Regulation of International Economic Relations Through Law (Dordrecht: Martinus Nijhoff Publishers, 1985) at 6.

²⁴Kohona, *supra* note 23 at 6. In some cases, States may intend to create only political or moral commitments, rather than legal commitments, through international agreements. However, it is not always clear what legal consequences flow from such agreements. See L. Henkin, Pugh and others, *supra* note 6 at 386-7.

²⁵O. Schachter, "The Twilight Existence of Nonbinding International Agreements" in 71 American Journal of International Law (1977) at 296-7.

²⁶Shearer, supra note 3 at 401. ²⁷Shearer, supra note 3 at 401.

28C. Parry, J. P. Grant and others, eds., Encyclopaedic Dictionary of International Law (New York: Oceana Publications, 1986) at 77.

²⁹G. M. Danilenko, *Law-Making in the International Community* (Dordrecht: Martinus Nijhoff Publishers, 1993) at 44.

30 Statute of the International Court of Justice, supra note 17, Art. 38(1)(a). 31 International Law Commission, supra note 5 at 8.

321. Sinclair, The Vienna Convention on the Law of Treaties (Manchester: University Press, 1984) at 4-5.

¹⁶¹⁹⁶⁹ Vienna Convention, Art. 3, supra note 12; and 1986 Vienna Convention, Art. 3, supra note 14.

²¹Repertory of Practice of United Nations Organs, Supplement No. 1, vol. II, Articles 55-111 of the Charter (New York: United Nations, 1958) at 400, para. 12.

would give all the new States the opportunity to participate directly in the formation of the law if they so wished, which would be most desirable in order to place the law of treaties upon the widest and most secure foundations.33

PROTOCOLS

The term protocol also denotes an agreement that is governed by international law and contains all the characteristics commonly attributed to a treaty. Protocols are often used to amend, supplement or clarify broader international agreements.³⁴ In the practice of some countries and international organizations, however, this term could also be used to denote the main instrument (e.g. the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, 194735). The advantage of a protocol is that, while it is linked to the main instrument, it may be used to deal with a distinct area of interest or for a specific purpose. Thus we find the example of the Montreal Protocol on Substances That Deplete the Ozone Layer, 36 which is linked to the Vienna Convention for the Protection of the Ozone Layer, 37 the framework instrument in this case.

According to Shearer, protocols can be divided into four categories:

- (a) an instrument subsidiary to a convention and drawn up by the same negotiators, which deals with ancillary matters to the main convention, and which is normally ratified along with the convention;
- (b) an instrument that is ancillary to a convention, but which is of an independent character and operation, and which is subject to independent ratification:
 - (c) a supplementary treaty concluded at a later date;
- (d) a record of certain understandings arrived at between parties, more often called a "Procès-Verbal".38

A protocol may include other instruments, such as the minutes of proceedings at an international conference, which are commonly referred to as Procès-Verbal.³⁹

AGREEMENTS

In general, the term international agreement refers to an instrument which could also be described as a treaty in the generic sense of the term.

The term agreement may be used more specifically to refer to an instrument that is in the form of a single instrument and which deals with "a narrower or less permanent subjectmatter"40 or with fewer parties41 than other international instruments. An agreement could, for all purposes, be a treaty. Although the term agreement could be used to describe a multilateral treaty, it is more commonly used to denote a bilateral treaty.42

In the practice of some countries, the term "agreement" is used in certain situations instead of "treaty" due to domestic legal and constitutional imperatives. For example, in the United States, certain agreements of treaty status are called "executive agreements".

DECLARATIONS AND PROCLAMATIONS

A proclamation is an instrument generally used to publicly make a formal announcement of the intention of the declaring party or parties. 43 According to McNair, a declaration generally refers to an international instrument "that declares existing law. with or without modification, or creates new law . . . ; or which affirms some common principle of policy, such as nonaggression or mutual assistance".44

Shearer divides declarations into the following four categories:

- (a) a treaty proper, such as the Declaration of Paris, 1856;
- (b) an informal instrument appended to a treaty or convention interpreting or explaining the provisions of the latter;
- (c) an informal agreement with respect to a matter of minor importance; or
- (d) a resolution by a diplomatic conference, enunciating some principle or desideratum for observance by all States. 45

Declarations and proclamations could be unilateral.46 There are also "joint declarations", such as the Joint Declaration of the United Kingdom and the People's Republic of China on the reversion of Hong Kong to Chinese Sovereignty in 1997, announced in 1984. Depending on their legal status, declarations may or may not be subject to ratification. 47 A declaration made by the negotiating parties at the conclusion of a multilateral treaty could be used as a tool in the interpretation of that treaty. Exceptionally, such a declaration may have the legal status of a treaty (e.g. the 1991 Declaration on the rehabilitation and reconstruction of Cambodia⁴⁸).

A number of General Assembly resolutions have been framed in the form of declarations, as well as in the form of Charters. In some cases, these instruments have contributed to the adoption of conventions on the same subject matter, such as the Declaration on the Elimination of All Forms of Racial Discrimination of 1963 which laid the basis for the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.49

Unilateral engagements or undertakings of an international character are subject to registration and publication under

³³International Law Commission, Yearbook of the International Law Commission (1961-II) at 128; cited in Sinclair, supra note 32 at 4. 34Shearer, supra note 3 at 401.

³⁵ Protocol of Provisional Application of the General Agreement on Tariffs and Trade, 1947, 55 United Nations Treaty Series 308.

³⁶ Montreal Protocol on Substances that Deplete the Ozone Layer, 1989,

¹⁵²² United Nations Treaty Series.

37 Vienna Convention for the Protection of the Ozone Layer, 1985, 1513 United Nations Treaty Series.

³⁸Shearer, supra note 3 at 401-2.

39A. D. McNair, The Law of Treaties (Oxford: Clarendon Press, 1961) at 23. ⁴⁰Parry, Grant and others, supra note 28 at 13.

⁴¹Shearer, supra note 3 at 402.

⁴²Parry, Grant and others, supra note 28 at 12.

⁴³ Black's Law Dictionary, 6th ed. (St Paul, Minn.: West Publishing, 1990) at 1206.

⁴⁴McNair, supra note 39 at 23.

⁴⁵ Shearer, supra note 3 at 403.

⁴⁶D. P. Myers, "The Names And Scope Of Treaties" in 51 American Journal of International Law (1957) at 587.

⁴⁷Shearer, supra note 3 at 403.

⁴⁸ Declaration on the rehabilitation and reconstruction of Cambodia, 1991, UN Doc. A/46/608 at 55.

⁴⁹Shearer, *supra* note 3 at 46.

Article 102 of the Charter of the United Nations. ⁵⁰ For instance, declarations by new Members of the United Nations accepting the obligations of the Charter, and recognizing the compulsory jurisdiction of the International Court of Justice, are considered to be binding unilateral agreements for the purposes of registration. ⁵¹ The Declaration made by the Government of Egypt on the Suez Canal and the arrangements for its operation in 1957 is an example of an engagement of an international character that was capable of being registered under Article 102. ⁵²

CHARTERS

The use of the term charter in international law is generally considered to be derived from its use in municipal (domestic) law. Thus, in international terms, a charter could refer to the constitution or constituent instrument of an international organization. For example, the Charter of the United Nations, concluded in 1945, refers to the instrument granting authority to the United Nations organization from the peoples represented by the governments that were to make up the United Nations. In this sense, a charter is used to create and define a body in the international arena which will perform functions similar to those of municipal government bodies.

The designation of an instrument as a charter has also been given to statements of quasi-constitutional principles, such as the *Atlantic Charter* of 1941.⁵⁵

Furthermore, the General Assembly has framed a number of its resolutions in the form of declarations, as mentioned above, or charters. An example of the latter is the Charter of Economic Rights and Duties of States, adopted by resolution of the General Assembly in 1974. Another example is the World Charter for Nature, an instrument drafted in general language which elaborates overall principles for the guidance and judgement of the international community in relation to conservation and human conduct affecting nature. 56

RESOLUTIONS OF THE GENERAL ASSEMBLY

The General Assembly adopts many of its decisions in the form of resolutions.⁵⁷ The effect and resonance of resolutions of the General Assembly varies according to such factors as their subject-matter, the formulations employed or the number of States in support of them.⁵⁸ The General Assembly is constituted

50 Repertory of Practice of United Nations Organs, Supplement No. 2, vol. III, Articles 55-111 of the Charter (New York: United Nations, 1963) at 505-6, para. 4.

para. 4. 51 Repertory of Practice, Supplement No. 2, supra note 50 at 505-6.

52 Declaration made by the Government of Egypt on the Suez Canal and the arrangements for its operation, 1957, 265 United Nations Treaty Series. This declaration was indeed registered. See Repertory of Practice, Supplement No. 2, supra note 50 at 506.

53Parry, Grant and others, supra note 28 at 58.

54 Myers, *supra* note 46 at 581-2.

⁵⁵Parry, Grant and others, *supra* note 28 at 59.

56 World Charter for Nature, G.A. Res. 37/7, 37 U.N.G.A.O.R., Supp. No. 51 at 17, U.N. Doc. A/37/51 (1982). See P. Sands, Principles of international environmental law, Vol. 1 (Manchester: Manchester University Press, 1995) 42. 57 See Rules of Procedure of the General Assembly (New York: United

57See Rules of Procedure of the General Assembly (New York: United Nations, 1985) UN Doc. A/520/Rev.15. Also see United Nations General Assembly, Official Records, Resolutions and Decisions adopted by the General Assembly (New York: United Nations).

eral Assembly (New York: United Nations). 58D. H. N. Johnson, "The Effect of Resolutions of the General Assembly of the United Nations" in 32 British Yearbook of International Law (1955-56) at 111-21; Shearer, supra note 3 at 47; and Kohona, supra note 23 at 106-9.

by all the Members of the United Nations and each Member has one vote. ⁵⁹ Decisions of the General Assembly on "important questions", according to Article 18(2) of the Charter of the United Nations, are required to be made by two-thirds majority of Members present and voting. ⁶⁰ Decisions on other questions are made by a majority vote of Members present and voting. ⁶¹

In general, the powers of the General Assembly are limited to making recommendations, which are not legally binding. These take the form of resolutions and may have a moral, political or quasi-legal effect in the sense of a duty to consider the recommendations in good faith.⁶²

In a number of cases, for instance, the General Assembly has framed resolutions in terms of principles that are intended to govern the actions of States in a particular field, in order to promote international cooperation. Examples of such resolutions include the Principles Relating to Remote Sensing of the Earth from Outer Space (1986) and the Principles that should govern the further actions of States in the field of freezing and reduction of military budgets (1989).⁶³

According to Article 10 of the Charter of the United Nations, the General Assembly may make recommendations to the Members of the United Nations or to the Security Council. In some cases, however, the General Assembly is empowered to take certain final decisions, including those regarding the budget or the admission, suspension or expulsion of members.⁶⁴ Thus, certain of the General Assembly resolutions have full legal effect in that they are binding upon the Members and the organs of the United Nations. These resolutions create obligations and legal situations which did not exist before.⁶⁵ All other resolutions, however, are traditionally considered to be not legally binding and are merely recommendatory.⁶⁶

Recommendations of the General Assembly addressed to Members may, in certain circumstances, constitute a "subsidiary means for the determination of rules of international law" under Article 38(1)(d) of the Statute of the International Court of Justice. They are not in themselves sources of law.⁶⁷

For example, resolutions may reflect state practice which demonstrates current or developing rules of customary international law, and may, in this way, contribute to the recognition and formation of international consensus among States. For example, General Assembly resolutions framed in the form of declarations, such as those on the Legal Principles Governing Activities of States in the Exploration and Use of Outer Space

⁵⁹Charter of the United Nations, supra note 18, Art. 18.

⁶⁰ Important questions, as listed in Art. 18(2), include recommendations with respect to maintenance of international peace and security, the election of the members of the Economic and Social Council and the Trusteeship Council, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions. Charter of the United Nations, supra note 18, Art. 18(2).

⁶¹ Charter of the United Nations, supra note 18, Art. 18(2).

⁶² Johnson, supra note 58 at 101.

⁶³See B. Sloan, "General Assembly Resolutions Revisited (Forty Years After)" in 58 British Yearbook of International Late (1987) at 78.

⁶⁴M. N. Shaw, *International Law* (London: Hodder and Stoughton, 1977) at 93; and Shearer, supra note 3 at 572.

⁶⁵ Johnson, supra note 58 at 121.

⁶⁶Shaw, supra note 64 at 93.

⁶⁷ Johnson, supra note 58 at 116.

(1963) and the *Principles of International Law Concerning Friendly Relations* (1970) can be regarded as evidence of State practice which may reflect existing binding rules of customary international law or which may lead to the establishment of such rules of customary international law.⁶⁸ Certain writers

have treated these collective pronouncements, even if not binding in any absolute legal sense, as representing "soft law".

68Shaw, supra note 64 at 94.

LEGAL SOURCES CITED

- Charter of the United Nations. New York: United Nations, 1945
- Declaration made by the Government of Egypt on the Suez Canal and the arrangements for its operation. 1957. 265 United Nations Treaty Series 299.
- Declaration on the rehabilitation and reconstruction of Cambodia. 1991. UN Doc. A/46/608.
- International Court of Justice. South West Africa case. I.C.J. Reports. 1962.
- International Law Commission. "Draft Articles on the Law of Treaties With Commentaries". United Nations Conference On The Law Of Treaties, Official Records, Vol. 1. New York: United Nations, 1971.
- Montreal Protocol on Substances that Deplete the Ozone Layer, 1989, 1522 United Nations Treaty Series.
- Permanent Court of International Justice. Advisory Opinion on the Customs Regime Between Austria and Germany. P.C.I.J. Reports, Ser. A/B, No. 41. 1931.
- Protocol of Provisional Application of the General Agreement on Tariffs and Trade, 1947, 55 United Nations Treaty Series.
- Repertory of Practice of United Nations Organs, vol. V. Articles 92-111 of the Charter. New York; United Nations, 1955.

- Repertory of Practice of United Nations Organs, Supplement No. 1, Vol. II. Articles 55-111 of the Charter. New York: United Nations, 1958.
- Repertory of Practice of United Nations Organs, Supplement No. 2, Vol. III. Articles 55-111 of the Charter. New York: United Nations, 1963.
- Repertory of Practice of United Nations Organs, Supplement No. 3, Vol. IV, Articles 92-111 of the Charter. New York: United Nations, 1973.
- Rules of Procedure of the General Assembly. New York: United Nations, 1985. UN Doc. A/520/Rev.15.
- Statute of the International Court of Justice. New York: United Nations, 1945.
- United Nations General Assembly, Official Records. Resolutions and Decisions adopted by the General Assembly. New York: United Nations.
- Vienna Convention for the Protection of the Ozone Layer, 1985, 1513 United Nations Treaty Series.
- Vienna Convention on the Law of Treaties. 1969. 1155 United Nations Treaty Series.
- Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. 1986. UN Doc. A/Conf. 129/15 (1986).
- World Charter for Nature. G.A. Res. 37/7. 37 U.N.G.A.O.R., Supp. No. 51. U.N. Doc. A/37/51 (1987).

REFERENCES

- Black's Law Dictionary. 6th ed. St Paul, Minn.: West Publishing, 1990.
- Brierly, J. L. The Law of Nations. 6th ed. Oxford: Clarendon Press, 1963.
- Brownlie, l. Principles of Public International Law. Oxford: Clarendon Press, 1979.
- Danilenko, G. M. Law-Making in the International Community. Dordrecht: Martinus Nijhoff Publishers, 1993.
- Detter, I. The International Legal Order. Aldershot: Dartmouth, 1994.
- Henkin, L., R. C. Pugh and others, eds. *International Law: Cases and Materials*. 2nd ed. St Paul, Minn: West Publishing, 1987.
- Johnson, D. H. N. "The Effect of Resolutions of the General Assembly of the United Nations". 1955-56. 32 British Yearbook of International Law.
- Kohona, P. T. B. The Regulation of International Economic Relations Through Law. Dordrecht: Martinus Nijhoff Publishers, 1985.
- McNair, A. D. The Law of Treaties. Oxford: Clarendon Press, 1961.

- Menon, P. K. The Law Of Treaties Between States And International Organizations. Lewiston: The Edwin Mellen Press, 1992.
- Myers, D. P. "The Names And Scope Of Treaties". 1957. 51
 American Journal of International Law.
- Parry, C., J. P. Grant and others, eds. Encyclopaedic Dictionary of International Law. New York: Oceanic Publications, 1986.
- Reuter, P. Introduction to the Law of Treaties. London: Kegan Paul International, 1995.
- Sands, P. Principles of international environmental law, Vol. 1. Manchester: Manchester University Press, 1995.
- Schachter, O. "The Twilight Existence of Nonbinding International Agreements". 1977. 71 American Journal of International Law.
- Shaw, M. N. International Law. London: Hodder and Stoughton, 1977.
- Shearer, I. A. Starke's International Law. 11th ed. London: Butterworth's, 1994.
- Sinclair, I. The Vienna Convention on the Law of Treaties.

 Manchester: University Press, 1984.
- Sloan, B. "General Assembly Resolutions Revisited (Forty Years After)". 1987. 58 British Yearbook of International Law.

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The General Assembly of the United Nations

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Charter provisions

The General Assembly consists of all members of the UN. It may discuss any questions or matters within the scope of the UN Charter or relating to the powers and functions of any organ provided for in the Charter. It may make recommendations to UN members or the Security Council or both on any such questions or matters except disputes or situations in respect of which the Security Council is currently exercising its functions.

Assembly decisions on important questions are made by a two-thirds majority of the members present and voting, and on other questions by a simple majority. Categories of questions requiring a two-thirds majority are listed in article 18 of the Charter. This article further provides that decisions on other questions including the determination of additional categories of questions to be decided by a two-thirds majority shall be made by a simple majority.

The General Assembly receives and considers reports from the other organs of the UN. It elects the 10 non-permanent members of the Security Council, the 54 members of the Economic and Social Council and some members of the Trusteeship Council. Together with the Security Council, but voting independently, it elects the members of the International Court of Justice. It also appoints the Secretary-General on the recommendation of the Security Council. It considers and approves the regular budget of the UN and apportions the expenses among members.

The Charter provisions concerning the Assembly are contained in chapter IV (articles 9-22), which defines its composition, functions and powers, voting and procedure. Other provisions relating to the Assembly are contained in articles 1, 2, 4-7, 23, 24, 35, 60-64, 66, 85-88, 93, 96, 97, 98, 101, 105, 108 and 109 of the Charter, and articles 4, 7-15, 32, 33 and 69 of the Statute of the International Court of Justice.

Membership

As at 31 May 1996, 185 states were represented in the General Assembly. These states, together with their dates of admission to the UN are:

Afghanistan	19 Nov 1946	China	24 Oct 1945*,4
Albania	14 Dec 1955	Colombia	5 Nov 1945*
Algeria	8 Oct 1962	Comoros	· 12 Nov 1975
Andorra	28 Jul 1993	Congo	20 Sep 1960
Angola	1 Dec 1976	Costa Rica	2 Nov 1945*
Antigua and Barbuda	11 Nov 1981	Côte d'Ivoire	20 Sep 1960 ⁵
Argentina	24 Oct 1945*	Croatia	22 May 1992
Armenia	2 Mar 1992	Cuba	24 Oct 1945*
Australia	1 Nov 1945*	Cyprus	20 Sep 1960
Austria	14 Dec 1955	Czech Republic	19 Jan 1993*, ¹⁸
Azerbaijan	2 Mar 1992	Democratic People's Republic	·
Bahamas	18 Sep 1973	of Korea	17 Sep 1991
Bahrain	21 Sep 1971	Denmark	24 Oct 1945*
Bangladesh	17 Sep 1974	Djibouti	20 Sep 1977
Barbados	9 Dec 1966	Dominica	18 Dec 1978
Belarus	24 Oct 1945*,1	Dominican Republic	24 Oct 1945*
Belgium	27 Dec 1945*	Ecuador	21 Dec 1945*
Belize	25 Sep 1981	Egypt	24 Oct 1945*
Benin	20 Sep 1960	El Salvador	24 Oct 1945*
Bhutan	21 Sep 1971	Equatorial Guinea	12 Nov 1968
Bolivia	14 Nov 1945*	Eritrea	28 May 1993
Bosnia and Herzegovina	22 May 1992	Estonia	17 Sep 1991
Botswana	17 Oct 1966	Federal Democratic Republic	
Brazil	24 Oct 1945*	of Ethiopia	13 Nov 1945*
Brunei Darussalam	21 Sep 1984	Fiji	13 Oct 1970
Bulgaria	14 Dec 1955	Finland	14 Dec 1955
Burkina Faso	20 Sep 1960 ²	France	24 Oct 1945*
Burundi	18 Sep 1962	Gabon	20 Sep 1960
Cambodia	14 Dec 1955 ³	Gambia	21 Sep 1965
Cameroon	20 Sep 1960	Georgia	31 Jul 1992
Canada	9 Nov 1945*	Germany	18 Sep 1973 ⁶
Cape Verde	16 Sep 1975	Ghana	8 Mar 1957
Central African Republic	20 Sep 1960	Greece	25 Oct 1945*
Chad	20 Sep 1960	Grenada	17 Sep 1974
Chile	24 Oct 1945*	Guatemala	21 Nov 1945*
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Guinea	12 Dec 1958	Peru	31 Oct 1945*
Guinea-Bissau	17 Sep 1974	Philippines	24 Oct 1945*
Guyana	20 Sep 1966	Poland	24 Oct 1945*,10
Haiti	24 Oct 1945*	Portugal	14 Dec 1955
Honduras	17 Dec 1945*	Qatar	21 Sep 1971
Hungary	14 Dec 1955	Republic of Korea	17 Sep 1991
Iceland	19 Nov 1946	Republic of Moldova	2 Mar 1992
India	30 Oct 1945*	Romania	14 Dec 1955
Indonesia	28 Sep 1950 ⁷	Russian Federation	24 Oct 1945*,11
Iran (Islamic Republic of)	24 Oct 1945*	Rwanda	18 Sep 1962
Iraq	21 Dec 1945*	Saint Kitts and Nevis	23 Sep 1983 ¹²
Ireland	14 Dec 1955	Saint Lucia	18 Sep 1979
Israel	11 May 1949	Saint Vincent and the Grenadines	16 Sep 1980
Italy	14 Dec 1955	Samoa	15 Dec 1976
Jamaica	18 Sep 1962	San Marino	2 Mar 1992
Japan	18 Dec. 1956	Sao Tome and Principe	16 Sep 1975
Jordan	14 Dec 1955	Saudi Arabia	24 Oct 1945*
Kazakstan	2 Mar 1992	Senegal	28 Sep 1960
Kenya	16 Dec 1963	Seychelles	21 Sep 1976
Kuwait	14 May 1963	Sierra Leone	27 Sep 1961
Kyrgyzstan	2 Mar 1992	Singapore	21 Sep 1965
Lao People's Democratic Republic	14 Dec 1955	Slovakia	19 Jan 1993*,18
Latvia	17 Sep 1991 24 Oct 1945*	Slovenia	22 May 1992
Lebanon Lesotho	17 Oct 1966	Solomon Islands	19 Sep 1978
Liberia	2 Nov 1945*	Somalia	20 Sep 1960
Libyan Arab Jamahiriya	14 Dec 1955	South Africa	7 Nov 1945*
Liechtenstein	18 Sep 1990	Spain	14 Dec 1955
Lithuania	17 Sep 1991	Sri Lanka	14 Dec 1955
Luxembourg	24 Oct 1945*	Sudan	12 Nov 1956
Madagascar	20 Sep 1960	Suriname	4 Dec 1975
Malawi	1 Dec 1964	Swaziland	24 Sep 1968
Malaysia	17 Sep 19578	Sweden	19 Nov 1946
Maldives	21 Sep 1965	Syrian Arab Republic	24 Oct 1945*,13
Mali	28 Sep 1960	Tajikistan	2 Mar 1992
Malta	1 Dec 1964	Thailand	16 Dec 1946
Marshall Islands	17 Sep 1991	The Former Yugoslav Republic	
Mauritania	27 Oct 1961	of Macedonia	8 Apr 1993
Mauritius	24 Apr 1968	Togo	20 Sep 1960
Mexico	7 Nov 1945*	Trinidad and Tobago	18 Sep 1962
Micronesia (Federated States of)	17 Sep 1991	Tunisia	12 Nov 1956
Monaco	28 May 1993	Turkey	24 Oct 1945
Mongolia	27 Oct 1961	Turkmenistan	2 Mar 1992
Morocco	12 Nov 1956	Uganda	25 Oct 1962
Mozambique	16 Sep 1975	Ukraine	24 Oct 1945*,14
Myanmar	19 Apr 1948 ⁹	United Arab Emirates	9 Dec 1971
Namibia	23 Apr 1990	United Kingdom	24 Oct 1945*
Nepal	14 Dec 1955	United Republic of Tanzania	14 Dec 1961 ¹⁵
Netherlands New Zealand	10 Dec 1945* 24 Oct 1945*	United States of America	24 Oct 1945*
New Zearand Nicaragua	24 Oct 1945*	Uruguay	18 Dec 1945*
•	20 Sep 1960	Uzbekistan	2 Mar 1992
Niger Nigeria	7 Oct 1960	Vanuatu	15 Sep 1981
Norway	27 Nov 1945*	Venezuela	15 Nov 1945*
Oman	7 Oct 1971	Viet Nam	20 Sep 1977
Pakistan	30 Sep 1947	Yemen	30 Sep 1947 ¹⁶
Palau	15 Dec.	Yugoslavia 1994	24 Oct 1945*,17
Panama	13 Nov 1945*	Zaire	20 Sep 1960
Papua New Guinea	10 Oct 1975	Zambia	1 Dec 1964
Paraguay	24 Oct 1945*	Zimbabwe	25 Aug 1980
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NOTES

^{*}Original members, i.e. those which participated in the UN Conference on International Organisation at San Francisco or had previously signed the UN Declaration of I January 1942, and which signed and ratified the Charter

¹On 19 September 1991, Byelorussia informed the UN that it had changed its name to Belarus

²Formerly Upper Volta

³Formerly Democratic Kampuchea

⁴By res. 2758 (XXVI) (1971), the Assembly decided 'to restore all its rights to the People's Republic of China and to recognise the representatives of its Government as the only legitimate representatives of China in the UN'
⁵Formerly Ivory Coast

6Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German states united to form one sovereign state. As from the date of reunification the Federal Republic of Germany acts in the UN under the designation 'Germany'

 7 Indonesia withdrew from membership of the UN in 1965, but resumed full participation in 1966

⁸The Federation of Malaya joined the UN on 17 September 1957. In 1963 its name was changed to Malaysia

⁹Formerly Burma

10 Although Poland was not represented at San Francisco, it was agreed that it should sign the Charter subsequently as an original

member 11 The USSR was an original member of the UN from 24 October 1945. In 1991 the Russian Federation informed the Secretary-General that the membership of the Soviet Union in the Security Council and all other UN organs was being continued by the Russian Federation with the support of the 11 member countries of the Commonwealth of Independent States

12 Formerly Saint Christopher and Nevis

13 Syria withdrew in 1958 to unite with Egypt as the United Arab Republic, but resumed its independent status and separate membership of the UN in 1961

14 Formerly Ukrainian Soviet Socialist Republic

15 Tanganyika was a member of the UN from 1961 and Zanzibar from 1963. After 1964 they continued as a single member, the United

Republic of Tanganyika and Zanzibar, which later became the United Republic of Tanzania

16 On 22 May 1990 Democratic Yemen and the Arab Republic of Yemen became a single sovereign state called the Republic of Yemen. Both had previously been members of the UN, Democratic Yemen since 14 December 1967 and the Arab Republic of Yemen since 30

September 1947

17By res. 47/1 (1992) the General Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not automatically continue membership of the UN. It therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership of the UN and that it should not participate in the work of the General Assembly ¹⁸Formerly part of Czechoslovakia, an original member of the UN from 24 October 1945.

Members of the Assembly Arranged in Regional Groups

This grouping is unofficial and has been developed to take account of the purposes of Assembly res. 1991 (XVIII) (1963), 33/138 (1978) and 2847 (XXVI) (1971).

AFRICAN STATES

Zambia

Zimbabwe

Liberia

Libyan Arab Jamahiraya

ASIAN STATES

AFRIC	ANSIALES	ASIAN STATES		
Algeria	Madagascar	Afghanistan	Myanmar	
Angola	Malawi	Bahrain	Nepal	
Benin	Mali	Bangladesh	Oman	
Botswana	Mauritania	Bhutan	Pakistan	
Burkina Faso	Mauritius	Brunei Darussalam	Palau	
Burundi	Morocco	Cambodia	Papua New Guinea	
Cameroon	Mozambique	China	Philippines	
Cape Verde	Namibia .	Cyprus	Qatar	
Central African Republic	Niger	Democratic People's Republic	ROK	
Chad	Nigeria	of Korea	Samoa	
Comoros	Rwanda	Fiji	Saudi Arabia	
Congo	Sao Tome and Principe	India	Singapore	
Côte d'Ivoire	Senegal	Indonesia	Solomon Islands	
Djibouti	Seychelles	Iran Isaa	Sri Lanka	
Egypt	Sierra Leone	Iraq	Syrian AR	
Equatorial Guinea	Somalia	Japan Jordan	Tajikistan	
Eritrea Ethiopia	South Africa	Kazakstan	Thailand	
Gabon	Sudan	Kuwait	Turkmenistan	
Gambia	Swaziland	Kyrgyzstan	United Arab Emirates	
Ghana	Togo	Lao PAR	Uzbekistan	
Guinea	Tunisia	Lebanon	Vanuatu	
Guinea-Bissau	Uganda	Malaysia	Viet Nam	
Kenya	United Republic of Tanzania	Maldives	Yemen	
Lesotho	Zaire	Marshall Islands	•	

Micronesia

Mongolia

EASTERN EUROPEAN STATES

Albania Lithuania
Armenia Poland
Azerbaijan Republic of Moldova
Belarus Romania

Belarus Romania
Bosnia and Herzegovina Russian Federation

Bulgaria Slovakia Croatia Slovenia

Czech Republic The Former Yugoslav
Georgia Republic of Macedonia
Hungary Ukraine

Hungary Latvia

LATIN AMERICAN AND CARIBBEAN STATES

Antigua and Barbuda Haiti Argentina Honduras **Bahamas** Jamaica **Barbados** Mexico Belize Nicaragua **Bolivia** Panama Brazil Paraguay Chile Peru

Colombia Saint Kitts and Nevis
Costa Rica Saint Lucia
Cuba Saint Lucia

Dominica Saint Vincent and the Grenadines

Ecuador Suriname

El Salvador Trinidad and Tobago

Grenada Uruguay
Guatemala Venezuela

Guyana

WESTERN EUROPEAN AND OTHER STATES

Andorra Luxembourg Australia Malta Austria Monaco Belgium Netherlands Canada New Zealand Denmark Norway Finland **Portugal** France San Marino Germany Spain Greece Sweden Iceland Turkey Ireland UK Italy

Liechtenstein

The USA is not a member of any regional group, but attends meetings of the Western European and Other States (WEO) group as an observer and is considered to be a member of that group for electoral purposes. Turkey participates fully in both Asian and WEO groups, but for electoral purposes is considered a member of the WEO group only. As at 31 May 1996, Estonia and Israel were not members of any regional group. The position of the Federal Republic of Yugoslavia is described earlier.

In addition to Member States, there are also two non-Member States that have observer status in the UN. They are the Holy See and Switzerland.

Sessions and officers

Rules governing sessions

The Assembly meets every year in regular sessions commencing on the third Tuesday in September. At the beginning of each session, and on the recommendation of the General Committee, it fixes a closing date for the session. Sessions are held at UN Headquarters (New York), unless convened elsewhere in pursuance of a decision of the Assembly at a previous session or at the request of a majority of UN members.

Special sessions may be summoned by the Assembly, at the request of the Security Council, or at the request (or with the concurrence) of a majority of UN members. Unless the date for a special session has been fixed by the Assembly, it must be held

Sessions and Presidents of the Assembly since 1946

1st regular, 1946: P-H Spaak, Belgium 1st special, Apr 1947 Question of Palestine: Oswaldo Aranha, Brazil 2nd regular, 1947: Oswaldo Aranha, Brazil within 15 days of receipt by the Secretary-General of the request or notification of concurrence. The Secretary-General must notify members at least 14 days in advance of the opening of a special session summoned at the request of the Security Council, otherwise 10 days' notice is required.

Emergency special sessions must be convened within 24 hours of receipt by the Secretary-General of a request from the Security Council, on the vote of any nine of its members, or of a request or notification of concurrence from a majority of UN members. Members must be given 12 hours' notice.

2nd special, Apr 1948
Question of Palestine:
Jose Arce, Argentina
3rd regular, 1948-49:
H V Evatt, Australia
4th regular, 1949:
Brigadier-General Carlos P Romulo, Philippines

5th regular, 1950-51: Nasrollah Entezam, Iran

6th regular, 1951 -52: Luis Padilla Nervo, Mexico

7th regular, 1952-53: Lester B Pearson, Canada

8th regular, 1953:

Vijaya Lakshmi Pandit, India

9th regular, 1954:

EN Van Kleffens, Netherlands

10th regular, 1955: Jose Maza, Chile

Ist emergency special, Nov 1956

Suez Canal:

Rudecindo Ortega, Chile

2nd emergency special, Nov 1956

Situation in Hungary: Rudecindo Ortega, Chile

11th regular, 1956-57:

Prince Wan Waithayakon, Thailand

12th regular, 1957:

Sir Leslie Munro, New Zealand

3rd emergency special, Aug 1958

Situation in Lebanon:

Sir Leslie Munro, New Zealand

13th regular, 1958: Charles Malik, Lebanon

14th regular, 1959: V A Belaunde, Peru

4th emergency special, Sep 1960 Situation in the Congo (Leopoldville):

V A Belaunde, Peru

15th regular, 1960-61: Frederick Boland, Ireland

3rd special, Aug 1961 Grave Situation in Tunisia: Frederick Boland, Ireland

16th regular, 1961 -62: Mongi Slim, Tunisia

17th regular, 1962:

Sir M Zafrulla Khan, Pakistan

4th special, May 1963

Consideration of the Financial Situation of the Organisation:

Sir M Zafrulla Khan, Pakistan

18th regular, 1963:

C Sosa Rodriguez, Venezuela

19th regular, 1964-65; Alex Quaison-Sackey, Ghana

20th regular, 1965: Amintore Fanfani, Italy

21st regular, 1966:

Abdul Rahman Pazhwak, Afghanistan

5th special, Apr 1967

South West Africa and the Postponement to 1968 of the UN Conference on the Exploration and Peaceful Uses of Outer Space:

Abdul Rahman Pazhwak, Afghanistan

5th emergency special, Jun 1967 -

Humanitarian Assistance; Question of the Middle East

Abdul Rahman Pazhwak, Afghanistan

22nd regular, 1967-68: Corneliu Manescu, Romania

23rd regular, 1968: E Arenales, Guatemala

24th regular, 1969: Miss Angie Brooks, Liberia

25th regular, 1970: Edvard Hambro, Norway

26th regular, 1971: Adam Malik, Indonesia

27th regular, 1972:

Stanislaw Trepczynski, Poland

28th regular, 1973:

Leopoldo Benites, Ecuador

6th special, Apr 1974

New International Economic Order:

Leopoldo Benites, Ecuador

29th regular, 1974:

Abdelaziz Boutefliika, Algeria

7th special, Sep 1975

Development and International Economic Cooperation and Establishment of a New International Economic Order:

Abdelaziz Boutefliika, Algeria

30th regular, 1975:

Gaston Thorn, Luxembourg

31st regular, 1976:

H Shirley Amerasinghe, Sri Lanka

32nd regular, 1977: Lazar Mojsov, Yugoslavia

8th special, Apr 1978

Financing of UN Interim Force in Lebanon:

Lazar Mojsov, Yugoslavia

9th special, Apr 1978

Namibia:

Lazar Mojsov, Yugoslavia

10th special, Jun 1978

Disarmament:

Lazar Mojsov, Yugoslavia

33rd regular, 1978-79: I Lievano, Colombia

34th regular, 1979-80: Salim A Salim, UR of Tanzania

6th emergency special, Jan 1980

Situation in Afghanistan: Salim A Salim, UR of Tanzania

7th emergency special, Jul 1980

Question of Palestine:

Salim A Salim, UR of Tanzania

11th special, Aug 1980

Critical Economic Situation of Many

Developing Countries: Salim A Salim, UR of Tanzania

35th regular, 1980-81:

Rudiger von Wechmar, Germany, FR

8th emergency special, Sep 1981

Question of Namibia:

Rudiger von Wechmar, Germany, FR

36th regular, 1981-82: Ismat T Kittani, Iraq 9th emergency special, Jan 1982 Situation in the Occupied Arab Territories, the Syrian Golan Heights: Ismat T Kittani, Iraq

which was presided over by Imre Hollai, Hungary)

7th emergency special (resumed), Apr, Jun, Aug, Sep 1982 Question of Palestine: Ismat T Kittani, Iraq (for all but the Sep meeting,

12th special, Jun 1982 Disarmament Ismat T Kittani, Iraq

37th regular, 1982-83: Imre Hollai, Hungary 38th regular, 1983-84:

Jorge E Illueca, Panama 39th regular, 1984-85: Paul J F Lusaka, Zambia

40th regular, 1985-86: Jaime de Piniés, Spain

13th special, May 1986 Critical Economic Situation in Africa: Jaime de Piniés, Spain

14th special, Sep 1986 Namibia:

H R Choudhury, Bangladesh

41st regular, 1986-87: H R Choudhury, Bangladesh

42nd regular, 1987-88: Peter Florin, German D R I5th special, May-Jun 1988 Disarmament

Peter Florin, German D R

43rd regular, 1988-89: Dante M Caputo, Argentina

44th regular, 1989-90: Joseph N Garba, Nigeria

16th special, 1989 Apartheid and its Destructive Consequences in Southern Africa: Joseph N Garba, Nigeria

17th special, Feb 1990
Question of International Cooperation against
Illicit Production, Supply, Demand, Trafficking and
Distribution of Narcotic Drugs:
Joseph N Garba, Nigeria

18th special, Apr 1990
Devoted to the International Economic Cooperation, in Particular to the Revitalisation of Economic Growth and Development of Developing Countries:
Joseph N Garba, Nigeria

45th regular, 1990-91: Guido De Marco, Malta

46th regular, 1991-92: Samir Shihabi, Saudi Arabia

47th regular, 1992-93: Stoyan Ganev, Bulgaria

48th regular, 1993-94: Samuel R Insanally, Guyana

49th regular, 1994-95: Amara Essy, Côte d'Ivoire

50th regular, 1995-96: Diogo Freitas do Amaral, Portugal

Structure

The following are established under the Assembly's rules of procedure:

- Main committees
- Procedural committees
- Standing committees
- Subsidiary bodies

In addition a number of Treaty Bodies established by Human Rights Conventions report to the Assembly on their activities.

Main committees

First Committee Disarmament and International Security
 Second Committee Economic and Financial
 Third Committee Social, Humanitarian and Cultural
 Fourth Committee Fifth Committee Administrative and Budgetary

• Sixth Committee Legal

Prior to the forty-eighth General Assembly there were seven Main Committees. By its res. 47/233 (17 August 1993), the Assembly decided to merge the Special Political Committee and the Fourth Committee, thereby reducing the number of Main Committees to six.

The Main Committees correspond to the major fields of responsibility of the Assembly. They consider agenda items referred to them by the Assembly and prepare recommendations and draft resolutions for submission to the Assembly plenary. Although it is the practice to refer most items to a committee, the Assembly may decide to deal with certain items without prior reference to a committee. All UN members have the right to be represented on each of these committees. Each committee elects its own officers. Decisions are made by a majority of the members present and voting, a majority of the committee constituting a quorum.

By res. 2837(XXVI) (1971) the Assembly increased the number of vice-chairs of the Main Committees to two per committee. In its res. 48/264 (1994) the Assembly decided upon a pattern for election of the six chairs of the Main Committees. It further decided to review this arrangement at its fifty-third session. The pattern is contained in annex II of res. 48/264.

Procedural committees

GENERAL COMMITTEE

The General Committee comprises the President of the General Assembly, who presides, the vice-presidents of the Assembly, and the chairs of the six Main Committees. No two members of the General Committee can be members of the same delegation, and the Committee is so constituted as to ensure its representative character. The General Committee considers the provisional agenda and the supplementary list, considers requests for the inclusion of additional items on the agenda, allocates items to committees, and submits its report for the approval of the Assembly. It assists the President in drawing up the agenda for plenary meetings, determining the priority of agenda items, coordinating the proceedings of the committees, and in the general conduct of the work of the Assembly which falls within the President's competence. It may also make recommendations to the Assembly concerning the closing date of the session. It may not, however, decide any political

CREDENTIALS COMMITTEE

The Credentials Committee consists of nine members appointed at the beginning of each session by the Assembly on the proposal of the President. It examines and reports on the credentials of representatives. Any representative to whose admission a member has objected is seated provisionally in the Assembly with the same rights as other representatives until the committee has reported and the Assembly has given its decision....

Standing committees

Two standing committees have been established, in accordance with the Assembly's rules of procedure, to deal with continuing problems during and between its regular sessions.

ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS (ACABQ)

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), which was set up at the first session of the Assembly by res. 14 A (I) (1946), examines and reports on the regular and peacekeeping budgets and the accounts of the UN, and the administrative budgets of the specialised agencies. The Committee also advises the Assembly on other administrative and financial matters referred to it. Its membership has been expanded a number of times, most recently by Assembly res. 32/103 (1977), and now stands at 16.

Members of the Committee are appointed by the General Assembly on the recommendation of the Fifth Committee on the basis of broad geographical representation, personal qualifications and experience. They serve for three years, retire by rotation, and are eligible for reappointment. At least three of the members are financial experts of recognised standing. The financial experts may not retire simultaneously....

COMMITTEE ON CONTRIBUTIONS

The Committee on Contributions was established by Assembly res. 14(I) (1946), and advises the Assembly on the apportionment among members of the expenses of the UN, assessments for new members, appeals by members for a change of assessment and application of article 19 of the Charter in cases of arrears in the payment of financial contributions. The Committee is also authorised to recommend or advise on the scale of contributions to a specialised agency, if requested by that agency to do so. Its membership has been expanded a number of times, most recently by Assembly res. 31/96 (1976), and now stands at 18.

Members are selected by the General Assembly on the recommendation of the Fifth Committee on the basis of broad geographical representation, personal qualifications and experience. They serve for three years, retire by rotation, and are eligible for reappointment. . . .

Subsidiary and ad hoc bodies

Intergovernmental bodies

AD HOC COMMITTEE ON THE INDIAN OCEAN

The Ad Hoc Committee on the Indian Ocean was established pursuant to Assembly res. 2992(XXVII) (1972) to study the implications of the Declaration of the Indian Ocean as a Zone of Peace (res. 2832(XXVI)). Originally comprising 15 members, it has been progressively enlarged, most recently by Assembly res. 34/80 (1979). Following the withdrawal from the Committee of France, UK and USA as from 6 April 1990 and the reunification of Germany, the Committee now comprises 44 members. . . .

Following res. 32/86 (1977), a meeting of the littoral and hinterland states of the Indian Ocean was held in New York (in 1979) as a step towards convening a conference on the Indian Ocean.

Efforts at reaching a consensus on when the conference should be held have not, however, been successful. By res. 46/49 (1991), the Assembly decided, inter alia, that the conference should be structured in more than one stage and that the first stage of the conference should be convened in Colombo in 1993 or as soon as possible. By Assembly res. 49/82 (1994), the Assembly requested the Ad Hoc Committee to continue elaborating new alternative approaches to help strengthen cooperation and ensure peace, security and stability in the region. . . .

COMMITTEE ON CONFERENCES

The Committee on Conferences was established by Assembly res. 3351(XXIX) (1974). By res. 43/222(B) (1988) the Assembly decided to retain the Committee as a permanent

subsidiary organ and set the membership of the Committee at 21 on the following basis: six members from African states, five from Asian states, four from Latin American and Caribbean states, two from Eastern European states and four from Western European and Other states. Members are appointed by the President of the Assembly, after consultations with the chairs of the regional groups, for terms of three years. One-third of the Committee's membership retires annually and retiring members are eligible for reappointment.

The Committee, after consultation, recommends to the Assembly the draft calendar of conferences and meetings to avoid the overlapping of meetings in the same sector of activity wherever possible. It is also mandated to recommend the best use of conference servicing resources, advise on current and future requirements, and monitor the organisation's publications policy....

COMMITTEE ON INFORMATION

By res. 33/115C (1978), the Assembly established a Committee to Review UN Public Information Policies and Activities, consisting of 41 Member States appointed by the President of the Assembly after consultations with regional groups, on the basis of equitable geographical distribution. The Committee was mandated to report to the Assembly on the policies and activities of the public information services of the UN system, with particular reference to those in the economic and social sphere.

By Assembly res. 34/182 (1979), the Committee's name was changed to the UN Committee on Information, and its membership was increased to 66. By that resolution the Committee was requested to:

- Continue to examine UN public information policies and activities in the light of the evolution of international relations, particularly during the past two decades, and the imperatives of the establishment of the new international economic order and a new world information and communication order
- Evaluate and follow up the efforts made and progress achieved by the UN system in the field of information and communications
- Promote the establishment of a new, more just, and more
 effective world information and communication order
 intended to strengthen peace and international understanding and based on the free circulation and wider and
 better balanced dissemination of information and to make
 recommendations thereon to the Assembly.

The Committee's mandate was most recently reaffirmed by the Assembly in res. 50/31B (1995).

The membership of the Committee has been increased a number of times, most recently by Assembly decision 50/311 (1995), and now stands at 89....

COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

The Committee on Relations with the Host Country was established by Assembly res. 2819(XXVI) (1971), replacing the Informal Joint Committee on Host Country Relations established under Assembly res. 2618(XXIV).

It is authorised, inter alia, to deal with questions of security of missions accredited to the UN and the safety of their staff, and the responsibilities of such missions — in particular the problem of financial indebtedness. It may also advise the host country on issues arising in connection with the implementation of the Headquarters Agreement between the UN and the USA.

The Committee is composed of the host country and 14 Member States chosen by the President of the Assembly....

COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

By res. 3376(XXX) (1975), the Assembly established a 20-member committee to consider and recommend to it a programme that would enable the Palestinian people to exercise the rights recognised in Assembly res. 3236 (XXIX). In 1976 the Assembly added three members. Twenty-three other states have observer status....

In res. 32/40B (1977), the Assembly requested the Secretary-General to establish within the Secretariat a Special Unit on Palestinian Rights to disseminate information on the rights of the Palestinian people and the UN efforts to promote the attainment of those rights.

By res. 50/84A (1995), the Assembly, inter alia, requested that the Committee keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly, or the Security Council, as appropriate. It further authorised the Committee to continue to exert all efforts to promote the exercise of the inalienable rights of the Palestinian people, to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments, to give special emphasis to the needs of the Palestinian people, and to take the necessary steps to involve additional non-governmental organisations in its work.

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE (COPUOS)

Office for Outer Space Affairs Vienna International Centre Wagrammerstrasse 5 A-1400 Vienna, Austria Telephone: (43-1) 21345-4950 Facsimile: (43-1) 21345-5830

Telex: 1356 12

By res. 14/1472 (1959), the Assembly established this Committee as a permanent body to succeed the 18-nation ad hoc committee of the same name established by Assembly res. 13/1348 (1958). The Committee was originally composed of 24 members, whose terms of office expired at the end of 1961. By res. 16/1721 (1961), the Assembly decided to continue the membership of the Committee and enlarged the membership to 28. The membership was further increased, most recently to 61 by Assembly res. 49/33 (1994).

The present Committee's tasks are to review the scope of international cooperation in peaceful uses of outer space, to devise programmes in this field which would be undertaken under UN auspices, to encourage continued research and disseminate information on research, and to study legal problems arising from the exploration of outer space.

As a result of the Committee's work on legal problems associated with outer space, five treaties and four sets of legal principles have been negotiated and adopted by the Assembly. The Treaties are:

- The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Calestial Bodies (res. 21/2222 (1966))
- The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (res. 22/2345 (1967))
- The Convention on International Liability for Damage Caused by Space Objects (res. 26/2777 (1971))
- The Convention on Registration of Objects Launched into Outer Space (res. 29/3235 (1974))
- The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (res. 34/68 (1979)).

The Legal Principles are:

- Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (res. 18/1962 (1963))
- Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (res. 37/92 (1982))
- Principles Relating to Remote Sensing of the Earth from Space (res. 41/65 (1986))
- Principles Relevant to the Use of Nuclear Power Sources in Outer Space (res. 47/68 (1992)).

The Assembly has authorised the convening of two conferences on the exploration and peaceful uses of outer space. Both were held in Vienna, the first in 1968 and the second in 1982. The thirty-seventh session of the Committee on the Peaceful Uses of Outer Space was held in Vienna from 6 to 16 June 1994. At the 1994 session, the General Assembly agreed that a third conference could be convened in the near future, and the matter of holding such a conference continues to be considered by the Committee, with a view to making a consensus recommendation to the Assembly regarding the agenda, timing, funding and organisation of the conference. . . .

The Committee has two standing subcommittees of the whole:

- Scientific and Technical Subcommittee
- Legal Subcommittee . . .

CONFERENCE ON DISARMAMENT (CD)

Secretariat: Palais des Nations 8-14 Avenue de la Paix 1211 Geneva 10 Switzerland Telephone: (41-22) 917-22-80 Telex: 412962

Facsimile: (41-22) 917-01-23

Agreement on the establishment of the Conference on Disarmament (CD) was reached at the UN General Assembly's first Special Session on Disarmament in 1978 (UNSSOD I res. S-10/2). It succeeded the Conference of the Eighteen-Nation Committee on Disarmament (Assembly res. 1722 (1961)) and the Conference of the Committee on Disarmament (Assembly

res. 2602 (1969)) which had since 1961 met annually in Geneva under the co-chairing of the USSR and the USA.

The CD is the single global disarmament negotiating forum. In 1979, following UNSSOD I, the Conference committed itself to promote general and complete disarmament under effective international control. It also decided that it would deal with the arms race and disarmament in the following 10 areas (the so-called 'decalogue'):

- 1 Nuclear weapons in all aspects
- 2 Chemical weapons
- 3 Other weapons of mass destruction
- 4 Conventional weapons
- 5 Reduction of military budgets
- 6 Reduction of armed forces
- 7 Disarmament and development
- 8 Disarmament and international security
- 9 Collateral measures; confidence-building measures; effective verification methods in relation to appropriate disarmament measures, acceptable to all parties concerned
- 10 Comprehensive programme of disarmament leading to general and complete disarmament under effective international control.

The CD draws its annual agenda from the 'decalogue'. Agenda item 2 is no longer current following the completion of negotiations on the Chemical Weapons Convention in 1992.

The Conference has a special relationship with the United Nations. It is funded from the UN regular budget, reports to the General Assembly and receives guidance from it.

The CD is a body of limited composition (currently 38 members) which takes its decisions on the basis of consensus. It meets three times a year in Geneva for periods of several weeks under a Presidency which rotates among the membership every four weeks. The Conference pursues its mandate in plenary meetings and through subsidiary bodies or special coordinators established under individual agenda items. The focus of work in recent years has been on negotiations for a comprehensive nuclear test ban treaty. An Ad Hoc Group of Scientific Experts also meets twice during each annual session to consider international cooperative measures to detect and identify seismic events, as part of the verification work for a nuclear test ban.

The CD's membership was agreed as a result of consultations among Member States during UNSSOD I and by the President of the thirty-second Assembly. It comprises the five nuclear-weapon States (China, France, Russian Federation, UK and USA) and . . . 33 [other] states .

Non-member countries are able to participate in the work, but not decisions, of the Conference....

When the composition of the Conference was agreed in 1978 it was also decided that the membership would be reviewed at regular intervals. Since 1982, 36 non-member countries have applied to join the Conference. In res. 50/72C (1995) the Assembly endorsed the Conference's decision (CD/1356) to accept 23 new members, and urged it to implement this decision at the earliest possible date. The decision was implemented on 14 June 1996.

PREPARATORY COMMITTEE FOR THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS

In 1992, the General Assembly decided in res. 46/472 to establish a Preparatory Committee for the Fiftieth Anniversary of the UN, consisting of the members of the General Committee and open to the participation of all Member States.

The Preparatory Committee was responsible for convening the Special Commemorative Meeting on the occasion of the fiftieth anniversary of the entry into force of the Charter of the UN, which was held in New York from 22 to 24 October 1995. Two hundred Member States of the UN, and observers, participated in the meeting at which the Fiftieth Anniversary Declaration was adopted.

In res. 50/59 the General Assembly took note with deep appreciation of the successful work of the Preparatory Committee, which concluded on 29 February 1996....

INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC) FOR THE ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION

By res. 47/188 (1992), the Assembly established an Intergovernmental Negotiating Committee to elaborate an international Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Descrtification, Particularly in Africa. . . . The INC held one organisational session and five substantive sessions between May 1993 and June 1994. A Convention text was adopted at the substantive session in Paris on 17 June 1994. By res. 49/234 (1994) the Assembly decided the INC should continue to function in order to prepare for the first session of the Conference of the States Parties to the Convention. The sixth, seventh and eighth sessions of the INC were held from 9 to 20 January 1995 (New York), 7 to 18 August 1995 (Nairobi) and 5 to 15 February 1996. A ninth session of the INC is scheduled for 3 to 13 September 1996 in New York. Pending entry into force of the Convention, further sessions may be held as necessary. . . .

INTERNATIONAL CRIMINAL COURT PREPARATORY COMMITTEE

By res. 50/46 (1995), the Assembly established the International Criminal Court Preparatory Committee open to all Member States to discuss further the major substantive and administrative issues arising out of the International Law Commission's draft statute for an International Criminal Court and decided that the Committee shall meet in two sessions of three weeks each in 1996 (25 March to 12 April and 12 to 30 August). The Preparatory Committee has continued the work of its predecessor, the Ad Hoc Committee. . . .

SPECIAL COMMITTEE ON PEACEKEEPING OPERATIONS

By res. 2006(XIX) (1965), the Assembly authorised its President to establish a Special Committee on Peacekeeping Operations. The Committee was asked to undertake a comprehensive review of peacekeeping operations in all their aspects.

After receiving a number of inconclusive reports from the Special Committee, the Assembly, by res. 2308(XXII) (1967),

requested it to undertake a study on methods of financing future peacekeeping operations and matters related to facilities, services and personnel which Member States might provide for UN peacekeeping operations. By resolutions adopted by successive Assemblies, the Committee has been urged to expedite its work with a view to fulfilling its mandate.

The Special Committee held its 1996 session from 1 April to 2 May 1996. At that session it decided to recommend to the General Assembly that its membership be expanded to include all past or present personnel contributors to United Nations peacekeeping operations, and observers at its 1996 session. It further recommended that those Member States who became personnel contributors in the future, or who participate as observers for three consecutive years could become members. . . .

SPECIAL COMMITTEE ON THE CHARTER OF THE UN AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANISATION

By res. 3499(XXX) (1975), the Assembly decided to reconvene with this new name the former Ad Hoc Committee on the Charter of the UN. It requested the Special Committee to examine in detail observations received from governments concerning suggestions and proposals regarding the Charter, the strengthening of the role of the UN with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relations between states.

The Special Committee's mandate has been renewed in successive years, most recently in Assembly res. 50/52 (1995) which decided that the Committee's membership be expanded to include all Member States....

SPECIAL COMMITTEE ON THE IMPLEMENTATION OF THE DECLARATION ON DECOLONIZATION (COMMITTEE OF TWENTY-FOUR)

By res. 1654(XVI) (1961), the Assembly established a Special Committee of 17 members to examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples (res. 1514(XV) (1960)), and to make suggestions and recommendations on the implementation of the Declaration.

By res. 1810(XVII) (1962), the Assembly enlarged the membership of the Special Committee to 24. Since 1979, the size of the Special Committee has varied between 24 and 25 members, and, with the withdrawal of the Czech Republic in 1993 and Bulgaria in 1995, currently stands at 23. The Special Committee has one subcommittee, on Small Territories, Petitions, Information and Assistance. It examines information submitted on specific territories in the Pacific and Caribbean regions and deals with a wide range of issues including consultation with the specialised agencies and other organisations on the implementation of Assembly res. 1514(XV)....

Subcommittee on small territories, petitions, information and assistance

All members of the Committee are also members of the Subcommittee. . . .

SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

By Assembly res. 2443(XXIII) (1968), the Assembly decided to establish this Committee composed of three Member States to be appointed by the President of the Assembly.... The Special Committee's mandate has been annually renewed by the Assembly, most recently by Assembly res. 50/29A (1995).

UN CONCILIATION COMMISSION FOR PALESTINE

By res. 194(III) (1948), the Assembly established the UN Conciliation Commission for Palestine to help with the repatriation of refugees, to arrange for compensation for the property of those choosing not to return, and to assist Israel and the Arab states to achieve a final settlement of all questions outstanding between them.

By res. 49/62A (1994), the Assembly requested the Commission to continue its work....

UN DISARMAMENT COMMISSION (UNDC)

In the Final Document of its tenth Special Session, res. S-10/2 para. 118, the Assembly decided to establish, as successor to the Commission originally established by res. 502(VI) (1952), a Disarmament Commission composed of all UN members. It also decided that the Commission should be a deliberative body, required to consider and make recommendations on various problems in the field of disarmament and to follow up the relevant decisions and recommendations of the tenth Special Session.

By res. 37/78H (1982), the Assembly requested the Commission to direct its attention at each substantive session to specific subjects from among those which have been and will be under its consideration, taking into account the relevant resolutions of the Assembly, and to make concrete recommendations on such subjects to the subsequent session of the Assembly....

The Commission adopted guidelines for international arms transfers in the context of res. 46/36H (6 December 1991). It also held an exchange of views on the fourth Special Session of the General Assembly devoted to disarmament.

UN SCIENTIFIC COMMITTEE ON THE EFFECTS OF ATOMIC RADIATION (UNSCEAR)

Vienna International Centre Wagramerstrasse 5 P O Box 500 A-1400 Vienna, Austria Telephone: (43-1) 21345-4330 Telex: 135612 Facsimile: (43-1) 21345-5902

By res. 10/913 (1955), the Assembly established this Committee and requested it to 'receive and assemble...radiological information furnished by Member States of the UN or members of the specialised agencies' and 'to develop...a summary of the reports received on radiation levels and radiation effects on man and his environment together with evaluations...and

indications of research projects which might require further study'. The Committee submits annual progress reports to the Assembly and periodically publishes comprehensive reports. These reports contain systematic assessments of all the major sources of exposure to ionising radiation in the human environment and contain reviews of selected topics in the field of radiation effects.

Originally 15, the membership has been increased most recently by Assembly res. 3154 (1973), and now stands at 21. The members [are] appointed by the President of the Assembly in consultation with the chairs of the regional groups....

WORKING GROUP ON THE FINANCING OF THE UN RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST (UNRWA)

By res. 2656(XXV) (1970), the Assembly decided to establish this Working Group to study all aspects of the financing of the Agency. The nine members [are] designated by the Secretary-General. . . .

Each year the Assembly has endorsed the efforts of the Working Group and renewed its mandate for a further year, most recently in res. 50/28B (1995).

Reform Working Groups

AD HOC OPEN-ENDED WORKING GROUP ON AN AGENDA FOR DEVELOPMENT

The General Assembly in res. 47/181 (1992) requested the Secretary-General to submit a report on an agenda for development containing recommendations on ways to enhance the role of the United Nations in the promotion of international cooperation for development. Assembly res. 48/166 (1993) provided the basis for broad-based input to an agenda for development which took the form of the World Hearings on Development, held in New York from 6 to 10 June 1994, as well as discussions at the high-level segment of the 1994 substantive session of ECOSOC. Subsequently the General Assembly took note of the reports submitted by the Secretary-General on an agenda for development in res. 49/126 (1995) and decided to establish an ad hoc open-ended working group to elaborate further an action-oriented, comprehensive agenda for development

The group held its first meeting on 21 February 1995 and met again in May 1995 and August/September 1995. By decision 49/497 (1995) the Assembly decided that the Working Group should continue its work during the fiftieth session with a view to finalising an agenda for development and report thereon to the fiftieth session. The Working Group met in January/February 1996 and May 1996.

Membership of the Working Group is open to all members of the United Nations.

The President of the General Assembly is the Chair of the Working Group. . . .

HIGH-LEVEL OPEN-ENDED WORKING GROUP ON THE FINANCIAL SITUATION OF THE UNITED NATIONS

Following a statement by the Secretary-General on 12 October 1994 on the precariousness of the financial situation of the Organisation, the General Assembly decided in December, by res. 49/143, to establish a high-level open-ended working group under the chairmanship of the President of the General Assembly. The Working Group met between January and July 1995 to consider additional measures aimed at ensuring a sound and viable financial basis for the UN. Following consideration of a progress report from the Group, the Assembly decided in September 1995 that it should continue its work and submit a report on its work, including any possible recommendations, to the Assembly at its fiftieth session.

Membership of the Group is open to all members of the United Nations....

INFORMAL OPEN-ENDED WORKING GROUP ON AN AGENDA FOR PEACE

The Secretary-General's report of June 1992, 'An Agenda for Peace' (A/47/277 – S/24111), made recommendations on ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking, peacekeeping and post-conflict peace-building. An informal open-ended working group was established by the General Assembly at its forty-seventh session to consider and respond to the Secretary-General's recommendation.

During that session the Working Group submitted to the General Assembly two resolutions: res. 47/120A entitled 'An Agenda for Peace: preventive diplomacy and related matters'; and res.47/120B covering the remaining recommendations contained in 'An Agenda for Peace'.

In January 1995 the Secretary-General issued a 'Supplement to An Agenda for Peace' (A/50/60 – S/1995/1), following which the Working Group was reconvened to further enhance the organisation's ability to perform the tasks laid down for it under the Charter. Four subgroups were also established. . . .

OPEN-ENDED HIGH-LEVEL WORKING GROUP ON THE STRENGTHENING OF THE UNITED NATIONS SYSTEM

By res. 49/252 (1995) the General Assembly decided to establish a high-level open-ended working group to review the studies and reports of relevant United Nations bodies, submissions of Member States and observers, as well as studies and reports of independent commissions, non-governmental organisations, institutions, scholars and other experts and to specify by consensus those ideas and proposals drawn therefrom that it concludes are appropriate for the purpose of revitalisation, strengthening and reform of the United Nations system. It further requested the Working Group to submit a report on its work before the end of the fiftieth session.

Membership of the Working Group is open to all members of the United Nations. . . .

The President of the General Assembly is the Chair of the Working Group....

OPEN-ENDED WORKING GROUP ON THE QUESTION OF EQUITABLE REPRESENTATION AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL

By res. 48/26 (1993) the Assembly decided to establish an open-ended working group to consider all aspects of the question of increase in the membership of the Security Council, and other matters related to the Security Council. Membership of the Working Group is open to all members of the United Nations.

The Working Group has met regularly since its first session held on 19 January 1994.

The President of the General Assembly . . . is Chair of the Working Group. . . .

Advisory Bodies

ADVISORY BOARD ON DISARMAMENT MATTERS

In the Final Document of its tenth Special Session in 1978, res. S-10/2, pare. 124, the Assembly requested the Secretary-General to establish a board of eminent persons to advise him on UN studies in the fields of disarmament and arms limitation, including a programme of such studies.

The members of the Board were initially appointed by Dr Waldheim for the period ending with his own term of office. The Assembly, by res. 37/99K (1982), requested the Secretary-General to revive the Advisory Board and to entrust it with the following functions:

- To advise the Secretary-General on various aspects of studies and research in the area of arms limitation and disarmament carried out under the auspices of the UN or institutions within the UN system, in particular on the integration of a programme of such studies with a comprehensive programme of disarmament, once this has been established
- To serve as the Board of Trustees of the UN Institute for Disarmament Research
- To advise the Secretary-General on the implementation of the United Nations Disarmament Information Programme
- At the specific invitation of the Secretary-General, to provide him with advice on other matters within the area of disarmament and arms limitation.

By res. 38/183(O) (1983), the Assembly requested the Secretary-General to report annually on the work of the Board. The Secretary-General changed the Board's name from the 'Advisory Board on Disarmament Studies' in 1989.

The Board currently has 20 members, appointed by the Secretary-General....

The Director of the United Nations Institute for Disarmament Research (UNIDIR) is an ex officio member of the Advisory Board....

ADVISORY COMMITTEE ON THE UN EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA (UNETPSA)

The UN Educational and Training Programme for Southern Africa (UNETPSA) was established by the Assembly in res. 2349 (XXII) (1967). It integrated earlier special programmes to

assist persons from Namibia, South Africa, the territories under Portuguese administration in Africa, and Southern Rhodesia. UNETPSA also recently received the residual funds of the UN Trust Fund for South Africa (the latter was discontinued as a result of res. 48/258B (1994)).

By Assembly res.50/131 (1995), UNETPSA was to be transferred to the UNDP by 1 May 1996, after which the Advisory Committee on UNETPSA will be discontinued. By res. 50/131, the Trust Fund will continue to be an identifiable entity for three to five years beyond April 1994.

UNETPSA is financed by a trust fund made up of voluntary contributions by states, organisations and individuals. During the 1994/95 academic year, 1,445 awards and extensions were granted, 1,438 to South Africans and 7 to Namibians.

ADVISORY COMMITTEE ON THE UN PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

The Assembly established a programme of assistance and exchange in the field of international law by res. 2099(XX) (1965) which set up this Advisory Committee to advise the Secretary-General on substantive aspects of the programme.

The Secretary-General reports every second year on the implementation of the programme and is then authorised to carry out activities for the next two years. By res. 40/66 (1985) the Assembly authorised the provision of a minimum of 15 fellowships a year from developing countries and a travel grant for one participant from each developing country invited to regional courses. These grants are financed from the UN regular budget. In addition, UNITAR provides from its own budget up to five extra scholarships not confined to candidates from developing countries. The programme also provides for a minimum of one scholarship under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, to be financed by voluntary contributions. . . .

Expert bodies

BOARD OF AUDITORS

The Board of Auditors was established by Assembly res. 74(I) (1946) to serve as external auditor of the accounts of the UN, certain specialised agencies and the International Court of Justice. The Board submits an annual report to the Assembly....

The Board is composed of the Auditors-General (or officers holding equivalent title) of three Member States of the UN. The members are appointed by the Assembly fot three years on the recommendation of the Fifth Committee. They retire by rotation and are eligible for reappointment. Each member provides an audit staff of approximately 40 professional officers for four months a year and a full-time Director. To enable the Board to carry out its mandate, an Audit Operations Committee was established comprising three full-time Directors of External Audit, located at Headquarters, representing each member of the Board....

INTERNATIONAL CIVIL SERVICE COMMISSION (ICSC)

The International Civil Service Commission was established in principle by Assembly res. 3042(XXVII) (1972). It is responsible for making recommendations to the Assembly for the regulation and coordination of conditions of service within the UN, the specialised agencies, and other international organisations which participate in the UN common system and accept the Commission's Statute. It also has certain decision-making functions with respect to salaries, allowances and job classification standards. It comprises 15 independent experts appointed in their individual capacities by, and answerable as a body to, the Assembly. Two members of the Commission, the Chair and the Vice-Chair, serve in a full-time capacity. Members are appointed for four years by the General Assembly, on the recommendation of the Fifth Committee, from a list of candidates compiled by the Secretary-General, and may be reappointed. . . .

INTERNATIONAL LAW COMMISSION (ILC)

By res. 174(II) (1947), the Assembly established the International Law Commission with a membership of 15 persons of recognised competence in international law and with the function of encouraging 'the progressive development of international law and its codification'.

The membership of the Commission has been increased a number of times, most recently by Assembly res. 36/39 (1981), and now stands at 34. By res. 36/39 the Assembly also decided that the members should be elected according to the following pattern: eight nationals from African states, seven from Asian states, three from Eastern European states, six from Latin American and Caribbean states, and eight from Western European and Other states, together with one national from African or Eastern European states in rotation and one from Asian and Latin American and Caribbean states in rotation. The members of the Commission are not government representatives, but are elected on a personal basis and sit in their personal capacity as experts....

INVESTMENTS COMMITTEE

The Investments Committee was established by Assembly res. 155(II) (1947) to advise the Secretary-General on the investment of the pension funds and other trust and special funds under UN control. The Committee also provides advice to the specialised agencies, upon request, on the nature and extent of investment of their funds. It meets four or five times a year, usually in New York.

Members of the Committee are appointed by the Secretary-General for three-year terms after consultation with the UN Joint Staff Pension Board and the Advisory Committee on Administrative and Budgetary Questions and subject to confirmation by the Assembly. Members are eligible for reappointment. The Committee's membership has been expanded a number of times, most recently by Assembly res. 31/196 (1976), and now stands at nine. . . .

IOINT INSPECTION UNIT (IIU)

The Joint Inspection Unit was established by res. 2150(XXI) (1966), and began work in 1968. By res. 31/192 (1976), the Assembly approved the Statute of the Joint Inspection Unit. It provides that the Unit shall consist of not more than 11 inspectors with special experience in administrative and financial matters serving in their personal capacity for a term of five years which can be renewed once. Inspectors are appointed by the Assembly, on the nomination of the President with due regard to the principle of equitable geographical distribution and of reasonable rotation. The Unit is to satisfy itself that the activities undertaken by the organisations of the UN system are carried out in the most economical manner and that the optimum use is made of resources available. Inspectors have broad powers of investigation in all matters bearing on efficiency and the proper use of funds and may make on-the-spot enquiries as they see fit. The Unit reports to the Assembly and to the competent organs of other organisations and may propose reforms or recommendations aimed at improving management and achieving greater coordination between organisations.

The Unit, which is located at Geneva, is assisted by an Executive Secretary and other staff authorised by its Statute. Its budget is included in the regular budget of the United Nations which is reimbursed by other participating organisations for their share of the expenditure. . . .

PANEL OF EXTERNAL AUDITORS

The Panel of External Auditors was established by Assembly res. 1448(XIV) (5 December 1959). The membership comprises the members of the United Nations Board of Auditors, along with the appointed external auditors of the specialised agencies and IAEA. The current membership of the Panel stands at nine.

The purpose of the Panel is to further the coordination of the audits for which its members are responsible and to exchange information on methods and findings. The Panel may submit to the executive heads of the participating organisations observations or recommendations in relation to the accounts and financial procedures of their organisations. Conversely, the executive heads of the participating organisations may, through their auditor (or auditors), submit requests to the Panel for its advice or opinion. The Panel's efforts are also directed at achieving a greater degree of uniformity of audit standards and use of accounting principles and common accounting standards within the UN system. . . .

UN ADMINISTRATIVE TRIBUNAL

By res. 351A(IV) (1949), the Assembly established the UN Administrative Tribunal to hear and pass judgment on applications alleging non-observance of contracts of employment of staff members of the UN Secretariat or of their terms of appointment. Its competence may be extended to specialised agencies where this has been agreed between the agency and the Secretary-General. The Assembly amended the Tribunal's Statute by res. 957(X) (1955). The Tribunal normally holds two sessions a year....

The seven members of the Tribunal are appointed by the Assembly on the recommendation of the Fifth Committee for a three-year term and may be reappointed. Only three may sit in any particular case. . . .

UN COMMISSION ON INTERNATIONAL TRADE LAW (UNCITRAL)

Vienna International Centre Wagramerstrasse 5 P O Box 500 A-1400 Vienna, Austria Telephone: (43-1) 21345-4060 Facsimile: (43-1) 21345-5813

By res. 21/2205 (1966), the Assembly established the UN Commission on International Trade Law (UNCITRAL), with a view to 'the promotion of the progressive harmonisation and unification of the law of international trade'. The Commission was urged to establish and maintain close collaboration with UNCTAD. By res. 3108(XXVIII) (1973), the Assembly increased the membership from 29 to 36. Members are elected for a term of six years, with the terms of half the members expiring every three years.

By res. 31/99 (1976), the Assembly altered the dates of commencement and termination of membership by deciding that members would take office at the beginning of the first day of the regular annual session of the Commission immediately following their election, and that their terms of office would expire on the last day prior to the opening of the regular annual session following their election.

In elections of members to the enlarged Commission, the Assembly observes the following distribution of states: nine members from African states; seven from Asian states; five from Eastern European states; six from Latin American and Caribbean states; and nine from Western European and Other states. . . .

UN JOINT STAFF PENSION FUND

The UN Joint Staff Pension Fund was established under regulations adopted by the Assembly in res. 248(III) (1948) to provide retirement, death, disability and related benefits for staff upon cessation of their services with the UN. The regulations, as amended at various times, provide for the admission of other organisations to the Fund. There are now 18 organisations, including the UN, which are members of the Fund.

The member organisations jointly administer the Fund through the UN Joint Staff Pension Board, consisting of 33 persons. Twelve are from the UN (one-third chosen by the Assembly, one-third by the executive head, one-third by the participants) and 21 from the other member organisations, again reflecting tripartite representation. The Board reports biennially to the Assembly on the operation of the Fund and the investment assets, and when necessary recommends to the Assembly amendments to the regulations governing its activities. The next meeting of the Board will be in Turin from 8 to 19 July 1996. Expenses incurred by the Board in the administration of the Fund, principally the cost of its central secretariat at UN Headquarters in New York and the management expenses for its investments, are met by the Fund.

By res. 42/222 (1987), the Assembly amended the regulations of the UN Joint Staff Pension Fund, together with the composition and size of the Board. These changes took effect on I January 1989.

The UN Staff Pension Committee is the pension committee for the UN participants in the Fund; the Fund's central secretariat serves also as the secretariat for the UN Staff Pension Committee. . . .

II. Treaties, conventions, protocols, agreements, declarations, proclamations, charters and resolutions of the General Assembly

Disarmament

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Declaration on the Prohibition of the Use of Nuclear and Thermo-nuclear Weapons

24 November 1961

The General Assembly,

Mindful of its responsibility under the Charter of the United Nations in the maintenance of international peace and security, as well as in the consideration of principles governing disarmament,

Gravely concerned that, while negotiations on disarmament have not so far achieved satisfactory results, the armaments race, particularly in the nuclear and thermo-nuclear fields, has reached a dangerous stage requiring all possible precautionary measures to protect humanity and civilization from the hazard of nuclear and thermo-nuclear catastrophe,

Recalling that the use of weapons of mass destruction, causing unnecessary human suffering, was in the past prohibited, as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreements, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of the Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties,

Considering that the use of nuclear and thermonuclear weapons would bring about indiscriminate suffering and destruction to mankind and civilization to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law,

Believing that the use of weapons of mass destruction, such as nuclear and thermo-nuclear weapons, is a direct negation of

the high ideals and objectives which the United Nations has been established to achieve through the protection of succeeding generations from the scourge of war and through the preservation and promotion of their cultures,

1. Declares that:

- (a) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;
- (b) The use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity;
- (c) The use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such a war will be subjected to all the evils generated by the use of such weapons;
- (d) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization;
- 2. Requests the Secretary-General to consult the Governments of Member States to ascertain their views on the possibility of convening a special conference for signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons for war purposes and to report on the results of such consultation to the General Assembly at its seventeenth session.

Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty

21 December 1965

The General Assembly,

Deeply concerned at the gravity of the international situation and the increasing threat to universal peace due to armed intervention and other direct or indirect forms of interference threatening the sovereign personality and political independence of States.

Considering that the United Nations, in accordance with their aim to eliminate war, threats to the peace and acts of aggression, created an Organization, based on the sovereign equality of States, whose friendly relations would be based on respect for the principle of equal rights and self-determination of peoples and on the obligation of its Members to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recognizing that in the Universal Declaration of Human Rights the General Assembly proclaimed that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, without distinction of any kind,

Reaffirming the principle of non-intervention, proclaimed in the charters of the Organization of American States, the League of Arab States and the Organization of African Unity and affirmed at the conferences held at Montevideo, Buenos Aires, Chapultepec and Bogotà, as well as in the decisions of the Asian-African Conference at Bandung, the First Conference of Heads of State or Government of Non-Aligned Countries at Belgrade, in the Programme for Peace and International Cooperation adopted at the end of the Second Conference of Heads of State or Government of Non-Aligned Countries at Cairo, and in the declaration on subversion adopted at Accra by the Heads of State and Government of the African States,

Recognizing that full observance of the principle of the non-intervention of States in the internal and external affairs of other States is essential to the fulfilment of the purposes and principles of the United Nations,

Considering that armed intervention is synonymous with aggression and, as such, is contrary to the hasic principles on which peaceful international co-operation between States should be built,

Considering further that direct intervention, subversion and all forms of indirect intervention are contrary to these principles and, consequently, constitute a violation of the Charter of the United Nations,

Mindful that violation of the principle of non-intervention poses a threat to the independence, freedom and normal political, economic, social and cultural development of countries, particularly those which have freed themselves from colonialism, and can pose a serious threat to the maintenance of peace,

Fully aware of the imperative need to create appropriate conditions which would enable all States, and in particular the developing countries, to choose without duress or coercion their own political, economic and social institutions,

In the light of the foregoing considerations, solemnly declares:

- 1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.
- 2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.
- 3. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.
- 4. The strict observance of these obligations is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security.
- 5. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.
- 6. All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms. Consequently, all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations.
- 7. For the purpose of the present Declaration, the term "State" covers hoth individual States and groups of States.
- 8. Nothing in this Declaration shall be construed as affecting in any manner the relevant provisions of the Charter of the United Nations relating to the maintenance of international peace and security, in particular those contained in Chapters VI, VII and VIII.

Treaty on the Non-Proliferation of Nuclear Weapons

12 June 1968

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities.

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapons States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and

security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

- 1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by the article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.
- 2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.
- 3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in

Convention on Special Missions and Optional Protocol concerning Compulsory Settlement of Disputes

8 December 1969

The States Parties to the present Convention,

Recalling that special treatment has always been accorded to special missions,

Having in mind the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the development of friendly relations and co-operation among States.

Recalling that the importance of the question of special missions was recognized during the United Nations Conference on Diplomatic Intercourse and Immunities and in resolution I adopted by the Conference on 10 April 1961,

Considering that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations, which was opened for signature on 18 April 1961,

Considering that the United Nations Conference on Consular Relations adopted the Vienna Convention on Consular Relations, which was opened for signature on 24 April 1963,

Believing that an international convention on special missions would complement those two Conventions and would contribute to the development of friendly relations among nations, whatever their constitutional and social systems,

Realizing that the purpose of privileges and immunities relating to special missions is not to benefit individuals but to ensure the efficient performance of the functions of special missions as missions representing the State,

Affirming that the rules of customary international law continue to govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

Article 1 Use of terms

For the purposes of the present Convention:

- (a) A "special mission" is a temporary mission, representing the State, which is sent by one State to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task:
- (b) A "permanent diplomatic mission" is a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations;
- (c) A "consular post" is any consulate-general, consulate, vice-consulate or consular agency;
- (d) The "head of a special mission" is the person charged by the sending State with the duty of acting in that capacity;
- (e) A "representative of the sending State in the special mission" is any person on whom the sending State has conferred that capacity;
- (f) The "members of a special mission" are the head of the special mission, the representatives of the sending State in

the special mission and the members of the staff of the special mission:

- (g) The "members of the staff of the special missions" are the members of the diplomatic staff, the administrative and technical staff and the service staff of the special missions;
- (h) The "members of the diplomatic staff" are the members of the staff of the special mission who have diplomatic status for the purposes of the special mission;
- (i) The "members of the administrative and technical staff" are the members of the staff of the special mission employed in the administrative and technical service of the special mission;
- (j) The "members of the service staff" are the members of the staff of the special mission employed by it as household workers or for similar tasks;
- (k) The "private staff" are persons employed exclusively in the private service of the members of the special mission.

Article 2 Sending of a special mission

A State may send a special mission to another State with the consent of the latter, previously obtained through diplomatic or another agreed or mutually acceptable channel.

Article 3 Functions of a special mission

The functions of a special mission shall be determined by the mutual consent of the sending and the receiving State.

Article 4 Sending of the same special mission to two or more States

A State which wishes to send the same special mission to two or more States shall so inform each receiving State when seeking the consent of that State.

Article S Sending of a joint special mission by two or more States

Two or more States which wish to send a joint special mission to another State shall so inform the receiving State when seeking the consent of that State.

Article 6

Sending of special missions by two or more States in order to deal with a question of common interest

Two or more States may each send a special mission at the same time to another State, with the consent of that State obtained in accordance with article 2, in order to deal together, with the agreement of all of these States, with a question of common interest to all of them.

Article 7

Non-existence of diplomatic or consular relations

The existence of diplomatic or consular relations is not necessary for the sending or reception of a special mission.

Article 8

Appointment of the members of the special mission

Subject to the provisions of articles 10, 11 and 12, the sending State may freely appoint the members of the special mission after having given the receiving State all necessary information concerning the size and composition of the special mission, and in particular the names and designations of the persons it intends to appoint. The receiving State may decline to accept a special mission of a size that is not considered by it to be reasonable, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission. It may also, without giving reasons, decline to accept any person as a member of the special mission.

Article 9 Composition of the special mission

- 1. A special mission shall consist of one or more representatives of the sending State from among whom the sending State may appoint a head. It may also include diplomatic staff, administrative and technical staff and service staff.
- 2. When members of a permanent diplomatic mission or of a consular post in the receiving State are included in a special mission, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present Convention.

Article 10

Nationality of the members of the special mission

- 1. The representatives of the sending State in the special mission and the members of its diplomatic staff should in principle be of the nationality of the sending State.
- 2. Nationals of the receiving State may not be appointed to a special mission except with the consent of that State, which may be withdrawn at any time.
- 3. The receiving State may reserve the right provided for in paragraph 2 of this article with regard to nationals of a third State who are not also nationals of the sending State.

Article 11 Notifications

- 1. The Ministry of Foreign Affairs of the receiving State, or such other organ of that State as may be agreed, shall be notified of:
- (a) The composition of the special mission and any subsequent changes therein;
- (b) The arrival and final departure of members of the mission and the termination of their functions with the mission;
- (c) The arrival and final departure of any person accompanying a member of the mission;
- (d) The engagement and discharge of persons resident in the receiving State as members of the mission or as private staff;
- (e) The appointment of the head of the special mission or, if there is none, of the representative referred to in paragraph 1 of article 14, and of any substitute for them;
- (f) The location of the premises occupied by the special mission and of the private accommodation enjoying inviolability under articles 30, 36 and 39, as well as any other information that may be necessary to identify such premises and accommodation.

2. Unless it is impossible, notification of arrival and final departure must be given in advance.

Article 12

Persons declared non grata or not acceptable

- 1. The receiving State may, at any time and without having to explain its decision, notify the sending State that any representative of the sending State in the special mission or any member of its diplomatic staff is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.
- 2. If the sending State refuses, or fails within a reasonable period, to carry out its obligations under paragraph 1 of this article, the receiving State may refuse to recognize the person concerned as a member of the special mission.

Article 13

Commencement of the functions of a special mission

- 1. The function of a special mission shall commence as soon as the mission enters into official contact with the Ministry of Foreign Affairs or with such other organ of the receiving State as may be agreed.
- 2. The commencement of the functions of a special mission shall not depend upon presentation of the mission by the permanent diplomatic mission of the sending State or upon the submission of letters of credence or full powers.

Article I4 Authority to act on behalf of the special mission

- 1. The head of the special mission or, if the sending State has not appointed a head, one of the representatives of the sending State designated by the latter is authorized to act on behalf of the special mission and to address communications to the receiving State. The receiving State shall address communications concerning the special mission to the head of the mission, or, if there is none, to the representative referred to above, either direct or through the permanent diplomatic mission.
- 2. However, a member of the special mission may be authorized by the sending State, by the head of the special mission or, if there is none, by the representative referred to in paragraph 1 of this article, either to substitute for the head of the special mission or for the aforesaid representative or to perform particular acts on behalf of the mission.

Article 15 Organ of the receiving State with which official business is conducted

All official business with the receiving State entrusted to the special mission by the sending State shall be conducted with or through the Ministry of Foreign Affairs or with such other organ of the receiving State as may be agreed.

Article 16 Rules concerning precedence

1. Where two or more special missions meet in the territory of the receiving State or of a third State, precedence among the missions shall be determined, in the absence of a special agreement, according to the alphabetical order of the names of

the States used by the protocol of the State in whose territory the missions are meeting.

- 2. Precedence among two or more special missions which meet on a ceremonial or formal occasion shall be governed by the protocol in force in the receiving State.
- 3. Precedence among the members of the same special mission shall be that which is notified to the receiving State or to the third State in whose territory two or more special missions are meeting.

Article 17 Seat of the special mission

- 1. A special mission shall have its seat in the locality agreed by the States concerned.
- 2. In the absence of agreement, the special mission shall have its seat in the locality where the Ministry of Foreign Affairs of the receiving State is situated.
- If the special mission performs its functions in different localities, the States concerned may agree that it shall have more than one seat from among which they may choose one as the principal seat.

Article 18 Meeting of special missions in the territory of a third State

- 1. Special missions from two or more States may meet in the territory of a third State only after obtaining the express consent of that State, which retains the right to withdraw it.
- 2. In giving its consent, the third State may lay down conditions which shall be observed by the sending States.
- 3. The third State shall assume in respect of the sending States the rights and obligations of a receiving State to the extent that it indicates in giving its consent.

Article 19 Right of the special mission to use the flag and emblem of the sending State

- A special mission shall have the right to use the flag and emblem of the sending State on the premises occupied by the mission, and on its means of transport when used on official business.
- In the exercise of the right accorded by this article, regard shall be had to the laws, regulations and usages of the receiving State.

Article 20 End of the functions of a special mission

- 1. The functions of a special mission shall come to an end, inter alia, upon:
 - (a) The agreement of the States concerned;
 - (b) The completion of the task of the special mission;
- (c) The expiry of the duration assigned for the special mission, unless it is expressly extended;
- (d) Notification by the sending State that it is terminating or recalling the special mission;
- (e) Notification by the receiving State that it considers the special mission terminated.
- 2. The severance of diplomatic or consular relations between the sending State and the receiving State shall not of itself

have the effect of terminating special missions existing at the time of such severance.

Article 21

Status of the Head of State and persons of high rank

- The Head of the sending State, when he leads a special mission, shall enjoy in the receiving State or in a third State the facilities, privileges and immunities accorded by international law to Heads of State on an official visit.
- 2. The Head of the Government, the Minister for Foreign Affairs and other persons of high rank, when they take part in a special mission of the sending State, shall enjoy in the receiving State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law.

Article 22 General facilities

The receiving State shall accord to the special mission the facilities required for the performance of its functions, having regard to the nature and task of the special mission.

Article 23 Premises and accommodation

The receiving State shall assist the special mission, if it so requests, in procuring the necessary premises and obtaining suitable accommodation for its members.

Article 24 Exemption of the premises of the special mission from taxation

- 1. To the extent compatible with the nature and duration of the functions performed by the special mission, the sending State and the members of the special mission acting on behalf of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises occupied by the special mission, other than such as represent payment for specific services rendered.
- 2. The exemption from taxation referred to in this article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or with a member of the special mission.

Article 25 Inviolability of the premises

- 1. The premises where the special mission is established in accordance with the present Convention shall be inviolable. The agents of the receiving State may not enter the said premises, except with the consent of the head of the special mission or, if appropriate, of the head of the permanent diplomatic mission of the sending State accredited to the receiving State. Such consent may be assumed in case of fire or other disaster that seriously endangers public safety, and only in the event that it has not been possible to obtain the express consent of the head of the special mission or, where appropriate, of the head of the permanent mission.
- 2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the special mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.
- 3. The premises of the special mission, their furnishings, other property used in the operation of the special mission and

its means of transport shall be immune from search, requisition, attachment or execution.

Article 26 Inviolability of archives and documents

The archives and documents of the special mission shall be inviolable at all times and wherever they may be. They should, when necessary, bear visible external marks of identification.

Article 27 Freedom of movement

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the special mission such freedom of movement and travel in its territory as is necessary for the performance of the functions of the special mission.

Article 28 Freedom of communication

- 1. The receiving State shall permit and protect free communication on the part of the special mission for all official purposes. In communicating with the Government of the sending State, its diplomatic missions, its consular posts and its other special missions or with sections of the same mission, wherever situated, the special mission may employ all appropriate means, including couriers and messages in code or cipher. However, the special mission may install and use a wireless transmitter only with the consent of the receiving State.
- 2. The official correspondence of the special mission shall be inviolable. Official correspondence means all correspondence relating to the special mission and its functions.
- 3. Where practicable, the special mission shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission of the sending State.
- 4. The bag of the special mission shall not be opened or detained.
- 5. The packages constituting the bag of the special mission must bear visible external marks of their character and may contain only documents or articles intended for the official use of the special mission.
- 6. The courier of the special mission, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.
- 7. The sending State or the special mission may designate couriers *ad hoc* of the special mission. In such cases the provisions of paragraph 4 of this article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the special mission's bag in his charge.
- 8. The bag of the special mission may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorized port of entry. The captain shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a

courier of the special mission. By arrangement with the appropriate authorities, the special mission may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

Article 29 Personal inviolability

The persons of the representatives of the sending State in the special mission and of the members of its diplomatic staff shall be inviolable. They shall not be liable to any form of arrest or detention. The receiving State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

Article 30 Inviolability of the private accommodation

- 1. The private accommodation of the representatives of the sending State in the special mission and of the members of its diplomatic staff shall enjoy the same inviolability and protection as the premises of the special mission.
- 2. Their papers, their correspondence and, except as provided in paragraph 4 of article 31, their property shall likewise enjoy inviolability.

Article 31 Immunity from jurisdiction

- 1. The representatives of the sending State in the special mission and the members of its diplomatic staff shall enjoy immunity from the criminal jurisdiction of the receiving State.
- They shall also enjoy immunity from the civil and administrative jurisdiction of the receiving State, except in the case of:
- (a) A real action relating to private immovable property situated in the territory of the receiving State, unless the person concerned holds it on behalf of the sending State for the purposes of the mission;
- (b) An action relating to succession in which the person concerned is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) An action relating to any professional or commercial activity exercised by the person concerned in the receiving State outside his official functions:
- (d) An action for damages arising out of an accident caused by a vehicle used outside the official functions of the person concerned.
- The representatives of the sending State in the special mission and the members of its diplomatic staff are not obliged to give evidence as witnesses.
- 4. No measures of execution may be taken in respect of a representative of the sending State in the special mission or a member of its diplomatic staff except in the cases coming under sub-paragraphs (a), (b), (c) and (d) of paragraph 2 of this article and provided that the measures concerned can be taken without infringing the inviolability of his person or his accommodation.
- 5. The immunity from jurisdiction of the representatives of the sending State in the special mission and of the members of its diplomatic staff does not exempt them from the jurisdiction of the sending State.

Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof

7 December 1970

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race.

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

Article I

- 1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.
- 2. The undertakings of paragraph 1 of this article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone, they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.
- The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

Article II

For the purpose of this Treaty, the outer limit of the seabed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

Article III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the

activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

- 2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.
- 3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and co-operate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.
- 4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.
- 5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.
- 6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights

of coastal States with respect to the exploration and exploitation of their continental shelves.

Article IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

Article V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

Article VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

Article VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

Article VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a

statement of the extraordinary events it considers to have jeopardized its supreme interests.

Article IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

Article X

- 1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.
- 3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.
- 4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.
- 6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XI

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Treaty.

DONE in ... at ..., this ... day of ..., ...

Declaration on the Strengthening of International Security

16 December 1970

The General Assembly,

Recalling the determination of the peoples of the United Nations, as proclaimed by the Charter, to save succeeding generations from the scourge of war, and to this end to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security,

Considering that in order to furfil the purposes and principles of the United Nations Member States must strictly abide by all provisions of the Charter,

Recalling its resolution 2606 (XXIV) of 16 December 1969 in which the General Assembly, inter alia, expressed the desire that the twenty-fifth year of the Organization's existence should be marked by new initiatives to promote peace, security, disarmament and economic and social progress for all mankind and the conviction of the urgent need to make the United Nations more effective as an instrument for maintaining international peace and security,

Mindful of the observations, proposals and suggestions advanced during the debate at the twenty-fourth session of the General Assembly or presented subsequently by Governments of Member States concerning the attainment of this objective, and of the report submitted by the Secretary-General in conformity with paragraph 5 of resolution 2606 (XXIV),

Having in mind the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted unanimously at the current session,

Conscious of its duty to examine in depth the present international situation and to study the means and recourses provided by the relevant provisions of the Charter in order to build peace, security and co-operation in the world,

- 1. Solemnly reaffirms the universal and unconditional validity of the purposes and principles of the Charter of the United Nations as the basis of relations among States irrespective of their size, geographical location, level of development or political, economic and social systems and declares that the breach of these principles cannot be justified in any circumstances whatsoever;
- 2. Calls upon all States to adhere strictly in their international relations to the purposes and principles of the Charter, including the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to co-operate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

- 3. Solemnly reaffirms that, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail;
- 4. Solemnly reaffirms that States must fully respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, especially involving the threat or use of force, overt or covert, and refrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country;
- 5. Solemnly reaffirms that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State, and that the Territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter, that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, that no territorial acquisition resulting from the threat or use of force shall be recognized as legal and that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State;
- 6. Urges Member States to make full use and seek improved implementation of the means and methods provided for in the Charter for the exclusively peaceful settlement of any dispute or any situation, the continuance of which is likely to endanger the maintenance of international peace and security, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, good offices including those of the Secretary-General, or other peaceful means of their own choice, it being understood that the Security Council in dealing with such disputes or situations should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court:
- 7. Urges all Member States to respond to the immediate need to agree on guidelines for more effective peace-keeping operations in accordance with the Charter, which could increase the effectiveness of the United Nations in dealing with situations endangering international peace and security, and consequently to support the efforts of the Special Committee on Peace-keeping Operations to reach agreement on all questions relating to such operations, as well as on provisions for their appropriate and equitable financing;
- 8. Recognizes the need for effective, dynamic and flexible measures, in accordance with the Charter, to prevent and remove threats to the peace, suppress acts of aggression or other breaches of the peace, and in particular for measures to build, maintain and restore international peace and security;
- 9. Recommends that the Security Council take steps to facilitate the conclusion of the agreements envisaged in Article 43 of the Charter in order fully to develop its capacity for

enforcement action as provided for under Chapter VII of the Charter;

- 10. Recommends that the Security Council consider, in conformity with Article 29 of the Charter, whenever appropriate and necessary, the desirability of establishing subsidiary organs, on an ad hoc basis, and with the participation of the parties concerned, when conditions so warrant, to assist the Council in the performance of its functions as defined in the Charter;
- . 11. Recommends that all States contribute to the efforts to ensure peace and security for all nations and to establish, in accordance with the Charter, an effective system of universal collective security without military alliances;
- 12. Invites Member States to do their utmost to enhance by all possible means the authority and effectiveness of the Security Council and of its decisions;
- 13. Calls upon the Security Council, including the permanent members, to intensify efforts to discharge, in conformity with the Charter, its primary responsibility for the maintenance of international peace and security;
- 14. Recommends that Member States support the efforts of the Special Committee on the Question of Defining Aggression to bring its work to a successful conclusion, thus achieving the definition of aggression as soon as possible;
- 15. Reaffirms its competence under the Charter to discuss and recommend measures for the peaceful adjustment of any situation which it deems likely to impair the general welfare or friendly relations among States, including situations resulting from a violation of the provisions of the Charter setting forth the purposes and principles of the United Nations;
- 16. Urges all Member States to implement the decisions of the Security Council in accordance with their obligations under Article 25 of the Charter and to respect, as provided for in the Charter, the resolutions of United Nations organs responsible for the maintenance of international peace and security and the peaceful settlement of disputes;
- 17. Urges Member States to reaffirm their will to respect fully their obligations under international law in accordance with the relevant provisions of the Charter and to continue and intensify the efforts towards the progressive development and codification of international law;
- 18. Calls upon all States to desist from any forcible or other action which deprives peoples, in particular those still under colonial or any other form of external domination, of their inalienable right to self-determination, freedom and independence and to refrain from military and repressive measures aimed at preventing the attainment of independence by all dependent peoples in accordance with the Charter and in furtherance of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, and render assistance to the United Nations and, in accordance with the Charter, to the oppressed peoples in their legitimate struggle in order to bring about the speedy elimination of colonialism or any other form of external domination;

- 19. Affirms its belief that there is a close connexion between the strengthening of international security, disarmament and the economic development of countries, so that any progress made towards any of these objectives will constitute progress towards all of them;
- 20. Urges all States, particularly the nuclear-weapon States, to make urgent and concerted efforts within the framework of the Disarmament Decade and through other means for the cessation and reversal of the nuclear and conventional arms race at an early date, the elimination of nuclear weapons and other weapons of mass destruction and the conclusion of a treaty on general and complete disarmament under effective international control, as well as to ensure that the benefits of the technology of the peaceful use of nuclear energy shall be available to all States, to the maximum extent possible, without discrimination;
- 21. Emphatically reiterates the need to undertake, within the framework of the Second United Nations Development Decade, urgent and concerted international action based on a global strategy aimed at reducing and eliminating as soon as possible the economic gap between developed and developing countries, which is closely and essentially correlated to the strengthening of the security of all nations and the establishment of lasting international peace;
- 22. Solemnly reaffirms that universal respect for and full exercise of human rights and fundamental freedoms and the elimination of the violation of those rights are urgent and essential to the strengthening of international security, and hence resolutely condemns all forms of oppression, tyranny and discrimination, particularly racism and racial discrimination, wherever they occur;
- 23. Resolutely condemns the criminal policy of apartheid of the Government of South Africa and reaffirms the legitimacy of the struggle of the oppressed peoples to attain their human rights and fundamental freedoms and self-determination;
- 24. Expresses its conviction that the achievement of universality of the United Nations, in accordance with the Charter, would increase its effectiveness in strengthening international peace and security;
- 25. Considers that the promotion of international cooperation, including regional, subregional and bilateral cooperation among States, in keeping with the provisions of the Charter and based on the principle of equal rights and on strict respect for the sovereignty and independence of States, can contribute to the strengthening of international security;
- 26. Welcomes the decision of the Security Council to hold periodic meetings in accordance with Article 28, paragraph 2, of the Charter and expresses the hope that these meetings will make an important contribution to the strengthening of international security;
- 27. Emphasizes the need for the United Nations to exert continuous efforts for the strengthening of international peace and security and requests the Secretary-General to submit a report to the General Assembly at its twenty-sixth session on steps taken in pursuance of the present Declaration.

Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction

17 December 1970

The General Assembly,

Recalling its resolutions 2340 (XII) of 18 December 1967, 2467 (XIII) of 21 December 1968 and 2574 (XIV) of 15 December 1969, concerning the area to which the title of the item refers.

Affirming that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal regime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international regime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster the healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that:

- 1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.
- The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.
- 3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international regime to be established and the principles of this Declaration.
- 4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international regime to be established.
- 5. The area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination, in accordance with the international regime to be established.
- 6. States shall act in the area in accordance with the applicable principles and rules of international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

- 7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether landlocked or coastal, and taking into particular consideration the interests and needs of the developing countries.
- 8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.
- 9. On the basis of the principles of this Declaration, an international regime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The regime shall, inter alia, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof, and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.
- 10. States shall promote international cooperation in scientific research exclusively for peaceful purposes:
- (a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;
- (b) Through effective publication of research programmes and dissemination of the results of research through international channels;
- (c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

- 11. With respect to activities in the area and acting in conformity with the international regime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia*:
- (a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;
- (b) The protection and conservation of the natural resources of the area and the prevention of damage to the flora and fauna of the marine environment.
- 12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activi-

ties, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

- 13. Nothing herein shall affect:
- (a) The legal status of the waters superjacent to the area or that of the air space above those waters;
- (b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the area, subject to the international regime to be established.
- 14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international regime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.
- 15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international regime to be established.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

16 December 1971

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

(1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;

(2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article 1 of the Convention.

Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

Article V

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

- 1. Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.
- 2. Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint

received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

Article IX

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article X

- 1. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.
- 2. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall

be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII

- 1. This Convention shall be of unlimited duration.
- 2. Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIV

- 1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.
- This Convention shall enter into force after the deposit
 of instruments of ratification by twenty-two Governments,
 including the Governments designated as Depositaries of the
 Convention.
- 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention and of the receipt of other notices.
- 6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in triplicate, at ... this ... day of ..., ...

Declaration of the Indian Ocean as a Zone of Peace

16 December 1971

The General Assembly,

Conscious of the determination of the peoples of the littoral and hinterland States of the Indian Ocean to preserve their independence, sovereignty and territorial integrity, and to resolve their political, economic and social problems under conditions of peace and tranquillity,

Recalling the Declaration of the Third Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka from 8 to 10 September 1970, calling upon all States to consider and respect the Indian Ocean as a zone of peace from which great Power rivalries and competition as well as bases conceived in the context of such rivalries and competition should be excluded, and declaring that the area should also be free of nuclear weapons,

Convinced of the desirability of ensuring the maintenance of such conditions in the Indian Ocean area by means other than military alliances, as such alliances entail financial and other obligations that call for the diversion of the limited resources of the States of the area from the more compelling and productive task of economic and social reconstruction and could further involve them in the rivalries of power blocs in a manner prejudicial to their independence and freedom of action, thereby increasing international tensions,

Concerned at recent developments that portend the extension of the arms race into the Indian Ocean area, thereby posing a serious threat to the maintenance of such conditions in the area.

Convinced that the establishment of a zone of peace in the Indian Ocean would contribute towards arresting such developments, relaxing international tensions and strengthening international peace and security,

Convinced further that the establishment of a zone of peace in an extensive geographical area in one region could have a beneficial influence on the establishment of permanent universal peace based on equal rights and justice for all, in accordance with the purposes and principles of the Charter of the United Nations,

1. Solemnly declares that the Indian Ocean, within limits to be determined, together with the air space above and the

ocean floor subjacent thereto, is hereby designated for all time as a zone of peace;

- 2. Calls upon the great Powers, in conformity with this Declaration, to enter into immediate consultations with the littoral States of the Indian Ocean with a view to:
- (a) Halting the further escalation and expansion of their military presence in the Indian Ocean;
- (b) Eliminating from the Indian Ocean all bases, military installations and logistical supply facilities, the disposition of nuclear weapons and weapons of mass destruction and any manifestation of great Power military presence in the Indian Ocean conceived in the context of great Power rivalry;
- 3. Calls upon the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and other major maritime users of the Indian Ocean, in pursuit of the objective of establishing a system of universal collective security without military alliances and strengthening international security through regional and other cooperation, to enter into consultations with a view to the implementation of this Declaration and such action as may be necessary to ensure that:
- (a) Warships and military aircraft may not use the Indian Ocean for any threat or use of force against the sovereignty, territorial integrity and independence of any littoral or hinterland State of the Indian Ocean in contravention of the purposes and principles of the Charter of the United Nations;
- (b) Subject to the foregoing and to the norms and principles of international law, the right to free and unimpeded use of the zone by the vessels of all nations is unaffected;
- (c) Appropriate arrangements are made to give effect to any international agreement that may ultimately be reached for the maintenance of the Indian Ocean as a zone of peace;
- 4. Requests the Secretary-General to report to the General Assembly at its twenty-seventh session on the progress that has been made with regard to the implementation of this Declaration;
- 5. Decides to include in the provisional agenda of its twenty-seventh session an item entitled "Declaration of the Indian Ocean as a zone of peace".

Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

10 November 1975

The General Assembly,

Noting that scientific and technological progress has become one of the most important factors in the development of human society,

Taking into consideration that, while scientific and technological developments provide ever increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individual,

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms,

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity,

Noting the urgent need to make full use of scientific and technological developments for the welfare of man and to neutralize the present and possible future harmful consequences of certain scientific and technological achievements,

Recognizing that scientific and technological progress is of great importance in accelerating the social and economic development of developing countries,

Aware that the transfer of science and technology is one of the principal ways of accelerating the economic development of developing countries,

Reaffirming the right of peoples to self-determination and the need to respect human rights and freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Desiring to promote the realization of the principles which form the basis of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Declaration on Social Progress and Development, and the Charter of Economic Rights and Duties of States,

Solemnly proclaims that:

1. All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence, and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations.

- 2. All States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments.
- 3. All States shall take measures to ensure that scientific and technological achievements satisfy the material and spiritual needs of all sectors of the population.
- 4. All States shall refrain from any acts involving the use of scientific and technological achievements for the purposes of violating the sovereignty and territorial integrity of other States, interfering in their internal affairs, waging aggressive wars, Suppressing national liberation movements or pursuing a policy of racial discrimination. Such acts are not only a flagrant violation of the Charter of the United Nations and principles of international law, hut constitute an inadmissible distortion of the purposes that should guide scientific and technological developments for the benefit of mankind.
- 5. All States shall co-operate in the establishment, strengthening and development of the scientific and technological capacity of developing countries with a view to accelerating the realization of the social and economic rights of the peoples of those countries.
- 6. All States shall take measures to extend the benefits of science and technology to all strata of the population and to protect them, both socially and materially, from possible harmful effects of the misuse of scientific and technological developments, including their misuse to infringe upon the rights of the individual or of the group, particularly with regard to respect for privacy and the protection of the human personality and its physical and intellectual integrity.
- 7. All States shall take the necessary measures, including legislative measures, to ensure that the utilization of scientific and technological achievements promotes the fullest realization of human rights and fundamental freedoms without any discrimination whatsoever on grounds of race, sex, language or religious beliefs.
- 8. All States shall take effective measures, including legislative measures, to prevent and preclude the utilization of scientific and technological achievements to the detriment of human rights and fundamental freedoms and the dignity of the human person.
- All States shall, whenever necessary, take action to ensure compliance with legislation guaranteeing human rights and freedoms in the conditions of scientific and technological developments.

Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques

10 December 1976

The States Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment,

Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 1 June 1972,

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile of such techniques could have effects extremely harmful to human welfare,

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations, have agreed as follows:

Article I

- 1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.
- 2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph I of this article.

Article II

As used in article I, the term "environmental modification techniques" refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

Article III

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized

principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

Article IV

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

Article V

- 1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.
- 2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
- 3. Any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
- 4. Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

Article VI

- 1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.
- 2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article VII

This Convention shall be of unlimited duration.

Article VIII

- 1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.
- 2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.
- 3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

Article IX

- 1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession

shall be deposited with the Secretary-General of the United Nations.

- 3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.
- 4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.
- This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Article X

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at ..., on the ... day of ..., ...

Annex to the Convention Consultative Committee of Experts

- 1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of article V of this Convention by the State Party requesting the convening of the Committee.
- 2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph I of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
- 3. The Depositary or his representative shall serve as the Chairman of the Committee.
- 4. Each expert may be assisted at meetings by one or more advisers.
- 5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

Declaration on the Deepening and Consolidation of International Detente

19 December 1977

The States Members of the United Nations,

Reaffirming their full commitment to the purposes and principles of the Charter of the United Nations and their resolve to ensure conditions in which all peoples can live and prosper in peace with justice,

Recalling the Declaration on Principles of International law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations of 24 October 1970, the Declaration on the Strengthening of International Security of 16 December 1970, as well as the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 and the Definition of Aggression of 14 December 1974.

Recognizing that, in order to resolve effectively international problems, an ever increasing degree of harmony and co-operation among nations is called for,

Anxious to create conditions whereby all States can put all their resources to the task of improving the living conditions of their peoples without fear of coercion, threat or use of force,

Noting with satisfaction a growing interest in and increased desire for relaxation of tension in recent years,

Convinced of the urgent need to exert additional efforts to extend this trend to encompass all region of the world and facilitate the settlement of outstanding international problems by peaceful means through participation of and co-operation among States,

Recognizing that the continuation of the policies of confrontation and rivalry among States or groups of States is incompatible with the relaxation of international tension,

Reaffirming the indivisibility of peace and security in all parts of the world and the increasing interdependence among nations, and anxious therefore to work towards the removal of all sources of tension and friction,

Convinced that confidence-building measures could contribute to the relaxation of international tension,

Convinced also that progress in arms control and disarmament negotiations, particularly in the nuclear field, and the elimination of the threat of war are of great importance for the continued relaxation of tension and for further development of friendly relations among States,

Convinced that the establishment of just and equitable economic relations among States is an important condition for genuine and lasting peace and for harmony among nations,

Convinced also of the need to eliminate all forms of aggression, foreign occupation and interference in the internal affairs of other States, to ensure respect for human rights, to eliminate colonialism through the free exercise of the right of self-determination and to eradicate racism and apartheid and other forms of injustice,

Guided, therefore, by the need for all States, in the supreme interest of peace and the future of mankind, to continue their efforts towards further reduction of tension, the promotion of better relations among themselves and the strengthening and widening of detente, and, to that end,

Declare their determination:

- 1. To adhere firmly to and promote the implementation of the provisions of the Charter of the United Nations, as well as the universally accepted principles and declarations aimed at enhancing world peace and security and the development of friendly and co-operative relations among States, and to fulfil their obligations arising from multilateral treaties and agreements serving the achievement of these objectives;
- 2. To consider taking new and meaningful steps, both in bilateral and multilateral arms control negotiation forums, aimed at achieving the objective of a cessation of the arms race, in particular the nuclear arms race, at an early stage and realization of disarmament measures, especially nuclear disarmament, with the ultimate objective of general and complete disarmament under strict and effective international control;
- 3. To facilitate the peaceful and speedy settlement of outstanding international problems and to strive to remove both causes and effects of international tension so that relations among all States may evolve in the direction of co-operation and friendship in order to prevent the recurrence of situations which might endanger international peace and security;
- 4. To strengthen the role of the United Nations as a primary instrument in the maintenance of international peace and security by reinforcing both the peace-making and peace-keeping capabilities of the Organization;
- 5. To refrain from the threat or use of force and to abide in their relations with other States by the principles of sovereign equality, territorial integrity, inviolability of international frontiers, inadmissibility of the acquisition and occupation of the territories of other States by force, settlement of disputes including frontier disputes strictly by peaceful means, nonintervention and non-interference in the internal affairs of other States, respect for human rights, respect for the right of all nations to choose freely their social, political and economic systems and to develop their external relations in the way they deem best for the interest of their respective peoples in conformity with the Charter of the United Nations;
- 6. To ensure the free exercise of the right of the peoples under colonial and alien domination to self-determination and to promote majority rule, especially where racial oppression, in particular apartheid, has deprived peoples from exercising their inalienable rights;
- 7. To work towards the establishment and development of just and balanced economic relations among States and to strive to narrow the gap between the developed and developing countries, in accordance with the resolutions of the General Assembly adopted by consensus at its sixth and seventh special sessions on the establishment of the new international economic order;
- 8. To encourage and promote respect for human rights and fundamental freedoms for all in conformity with the Universal Declaration of Human Rights and other relevant international treaties and instruments, including the International Covenant on Human Rights;

- To foster mutual understanding and trust among peoples by promoting and facilitating cultural exchanges, freer movement and contacts among them both on an individual and a collective basis;
- 10. To develop further their relations and co-operation in conformity with the purposes and principles of the Charter of

the United Nations and to observe the principles set forth above which derive from the Charter, recognizing that nothing in the present Declaration could either alter or detract from obligations they might have undertaken in relation to other States in accordance with the principles of international law and the Charter.

Declaration on the Preparation of Societies for Life in Peace

15 December 1978

The General Assembly,

Recalling that in the Charter the peoples of the United Nations proclaimed their determination to save succeeding generations from the scourge of war and that one of the fundamental purposes of the United Nations is to maintain international peace and security,

Reassiming that, in accordance with General Assembly resolution 95 (I) of 11 December 1946, planning, preparation, initiation or waging of a war of aggression are crimes against peace and that, pursuant to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, of 24 October 1970, and the Definition of Aggression of 14 December 1974, a war of aggression constitutes a crime against the peace,

Reaffirming the right of individuals, States and all mankind to life in peace,

Aware that, since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed,

Recognizing that peace among nations is mankind's paramount value, held in the highest esteem by all principal political, social and religious movements,

Guided by the lofty goal of preparing societies for and creating conditions of their common existence and cooperation in peace, equality, mutual confidence and understanding,

Recognizing the essential role of Governments, as well as governmental and non-governmental organizations, both national and international, the mass media, educational processes and teaching methods, in promoting the ideals of peace and understanding among nations,

Convinced that, in the era of modern scientific and technological progress, mankind's resources, energy and creative talents should be directed to the peaceful economic, social and cultural development of all countries, should promote the implementation of the new international economic order and should serve the raising of the living standards of all nations,

Stressing with utmost concern that the arms race, in particular in the nuclear field, and the development of new types and systems of weapons, based on modern scientific principles and achievements, threaten world peace,

Recalling that, in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that, in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States,

Reaffirming the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples, of 14 December 1960, the Declaration on the Strengthening of International Security, of 16 December 1970, and the Declaration on the Deepening and Consolidation of International Détente, of 19 December 1977,

Recalling the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, of 7 December 1965,

Further recalling the Universal Declaration of Human Rights, of 10 December 1948, as well as the International Covenant on Civil and Political Rights, of 16 December 1966, and bearing in mind that the latter states, inter alia, that any propaganda for war shall be prohibited by law,

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Solemnly invites all States to guide themselves in their activities by the recognition of the supreme importance and necessity of establishing, maintaining and strengthening a just and durable peace for present and future generations and, in particular, to observe the following principles:

- 1. Every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields.
- A war of aggression, its planning, preparation or initiation are crimes against peace and are prohibited by international law.
- 3. In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.
- 4. Every State, acting in the spirit of friendship and good-neighbourly relations, has the duty to promote all-round, mutually advantageous and equitable political, economic, social and cultural co-operation with other States, notwithstanding their socio-economic systems, with a view to securing their common existence and cooperation in peace, in conditions of mutual understanding of and respect for the identity and diversity of all peoples, and the duty to take up actions conducive to the furtherance of the ideals of peace, humanism and freedom.
- 5. Every State has the duty to respect the right of all peoples to self-determination, independence, equality, sover-cignty, the territorial integrity of States and the inviolability of their frontiers, including the right to determine the road of their development, without interference or intervention in their internal affairs.
- 6. A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance with the principles agreed upon within the United Nations and relevant international agreements.
- 7. Every State has the duty to discourage all manifestations and practices of colonialism, as well as racism, racial discrimination and apartheid, as contrary to the right of peoples

to self-determination and to other human rights and fundamental freedoms.

8. Every State has the duty to discourage advocacy of hatred and prejudice against other peoples as contrary to the principles of peaceful co-existence and friendly cooperation.

Calls upon all States, in order to implement the above principles:

- (a) To act perseveringly and consistently, with due regard for the constitutional rights and the role of the family, the institutions and the organizations concerned:
 - (i) To ensure that their policies relevant to the implementation of the present Declaration, including educational processes and teaching methods as well as media information activities, incorporate contents compatible with the task of the preparation for life in peace of entire societies and, in particular, the young generations;
 - (ii) Therefore, to discourage and eliminate incitement to racial hatred, national or other discrimination, injustice or advocacy of violence and war;

(b) To develop various forms of bilateral and multilateral co-operation, also in international, governmental and nongovernmental organizations, with a view to enhancing preparation of societies to live in peace and, in particular, exchanging experiences on projects pursued with that end in view;

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- 1. Recommends that the governmental and nongovernmental organizations concerned should initiate appropriate action towards the implementation of the present Declaration;
- 2. States that a full implementation of the principles enshrined in the present Declaration calls for concerted action on the part of Governments, the United Nations and the specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization, as well as other interested international and national organizations, both governmental and non-governmental;
- 3. Requests the Secretary-General to follow the progress made in the implementation of the present Declaration and to submit periodic reports thereon to the General Assembly, the first such report to be submitted not later than at its thirty-sixth session.

Declaration on International Cooperation for Disarmament

11 December 1979

The General Assembly,

Recalling once again the affirmation in the Charter of the United Nations of the determination of the peoples of the United Nations to save succeeding generations from the scourge of war and to this end to unite their strength to maintain international peace and security,

Stressing again the importance of the recommendations and decisions adopted by the General Assembly at its tenth special session, devoted to disarmament, and recalling the principles proclaimed in the Final Document of that session,

Convinced that there is an urgent need for active and combined efforts further to intensify the comprehensive implementation of the recommendations and decisions unanimously adopted at the tenth special session and that, to this end, a continuing and sustained effort by all States in a more coordinated manner and on the basis of world-wide co-operation in the interests of security and peace, is essential,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in which the General Assembly proclaimed the duty of all States to pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament and to strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States,

Stressing the inalienable right of every nation and every human being to live in peace, free from the threat of war, in freedom and independence, as was solemnly reaffirmed by the General Assembly in the Declaration on the Preparation of Societies for Life in Peace, the strict observance of which is in the highest interests of mankind and is an essential prerequisite for its full development,

Conscious that a dynamic development of detente in all spheres of international relations throughout the world would contribute to the achievement of the aims of disarmament,

Deeply disturbed by the fact that international peace and security of peoples continue to be threatened by the arms race, particularly in the nuclear field, and the accumulation of stockpiles of highly destructive weapons and that, at the same time, the continuation of the arms race conflicts with the interest of the economic development and the social and spiritual progress of mankind,

Noting, in particular, that the arms race is incompatible with and contrary to the efforts directed towards the establishment of the new international economic order.

Stressing the fact that the Governments of all countries, particularly of nuclear-weapon States, bear a historic responsibility for eliminating war from human life, primarily through the adoption of effective and decisive disarmament measures aimed at the achievement of general and complete disarmament under strict and effective international control.

Noting that special responsibility for achieving general and complete disarmament, particularly nuclear disarmament, and

for averting nuclear war rests with all States possessing nuclear weapons and other militarily significant States,

Proceeding from the principle that effective, constructive and continuing co-operation among all States based on mutual confidence and political will, irrespective of their social system and level of economic development, is essential for the achievement of disarmament and the attainment of its goals,

Convinced that such co-operation must be demonstrated, developed and intensified in mutual contacts and in any forum where States conduct negotiations on disarmament, particularly in the Committee on Disarmament, in o ler that the aims of the negotiations may be achieved as speedily as possible,

Convinced also that such co-operation must express a common determination by States to bring about a decisive shift in disarmament negotiations and, at the same time, must be sustained by the creation of a favourable atmosphere of trust in relations among States,

Bearing in mind the central role and primary responsibility of the United Nations in promoting the uniting of efforts and the establishment of cooperation among States aimed at the solution of disarmament problems,

I

Solemnly calls upon all States actively to promote the development, strengthening and intensification of international co-operation designed to achieve the goals of disarmament, as defined by the General Assembly at its tenth special session, and to this end, in particular:

- (a) To take initiatives aimed at eliminating the threat of nuclear war and adopting effective new measures to halt and reverse the arms race and pave the way for the ultimate objective of the efforts in the disarmament process, namely, general and complete disarmament under effective international control;
- (b) To exercise actively their inalienable right to take part in disarmament negotiations, as confirmed in the Final Document of the Tenth Special Session of the General Assembly;
- (c) To participate actively, as appropriate, in measures taken in the field of disarmament, bearing in mind the interests of maintaining both international and national security in conformity with the Charter of the United Nations, and actively to promote such measures;
- (d) To conduct disarmament negotiations in good faith on all priority items concurrently, including appropriate confidencebuilding measures, with a view to ensuring that such negotiations will complement one another and will be conducive to the early achievement of a decisive break-through in the sphere of disarmament;
- (e) To make every effort to secure continuous and accelerated progress in the negotiations on halting the arms race and achieving disarmament and, to these ends, to refrain from impeding such negotiations, in particular with issues unrelated to disarmament;
- (f) To strive in the course of disarmament negotiations to ensure that they will outstrip the qualitative development and

stockpiling of weapons to which the negotiations relate and, wherever possible, to prevent the emergence of new types of weapons and weapon systems, particularly weapons of mass destruction;

- (g) To ensure that multilateral, regional and bilateral negotiations on disarmament questions will be consistently conducted in accordance with the respective provisions of the Final Document of the Tenth Special Session, bearing in mind that the United Nations has a central role and primary responsibility in the sphere of disarmament;
- (h) To develop joint efforts in achieving concrete disarmament measures whose implementation would progressively enable a significant portion of the resources made available through such measures to be used for social and economic needs, thus contributing to the bridging of the economic gap between developed and developing countries, taking into account the close relationship between disarmament and development;

11

Urges all States, with a view to improving further the international climate required for the full implementation of the Final Document of the Tenth Special Session of the General Assembly and accelerating the progress of the appropriate disarmament negotiations, in particular:

- (a) To exert determined efforts to expedite measures and pursue policies to strengthen international peace and security and to build confidence among States with a view to reducing the danger of the outbreak of military conflicts and facilitating decisive advance of the process of disarmament, including the creation of a favourable international atmosphere which would be conducive the strengthening of international peace and security:
- (b) To take effective measures for setting in motion the security system provided for in the Charter of the United Nations and to strengthen it by eliminating tensions and settling disputes by peaceful means and to these ends, in particular, to refrain from seeking military superiority and from any other steps which might adversely affect efforts in the field of disarmament, and accordingly to refrain from using their military potential for aggressive purpose, notably the threat or use of force against the sovereignty, territorial integrity or political independence of any State or against peoples under colonial or foreign domination which are striving to exercise their right to self-determination and the achievement of independence, or for interference in the internal affairs of other States;
- (c) To strive consistently for the repudiation of all concepts which are based on military intimidation and policies of acting from a position of strength and which lead to the intensification or perpetuation of the arms race and the further accumulation of armaments;
- (d) To affirm, wherever possible, in their constitutional norms or by any other appropriate means, their political will and determination to promote with all their strength the cause of peace and international security and the achievement of progress in the field of disarmament;
- (c) To intensify steps, both through the United Nations system and individually, to promote a better understanding by world opinion of the danger of the arms race and the need for disarmament, and to ensure that world opinion will exert a positive influence on the efforts of Governments to resolve

disarmament issues, utilizing to his end educational systems, the mass media and all the appropriate institutions;

- (f) On the basis of the principles of the Charter, to take all appropriate measures, including legislative ones, to prevent and prohibit propaganda for war and the arms race and the dissemination of views asserting their necessity or usefulness on political, economic or other grounds;
- (g) To take vigorous measures, individually or collectively, to disseminate the ideals of peace, disarmament, cooperation and friendly relations between peoples;

Ш

Urges all States, in implementing the common political will expressed in the Final Document of the Tenth Special Session of the General Assembly, to strive to achieve concrete measures of disarmament and, in that connexion:

- (a) To be guided, in all disarmament negotiations, by the generally recognized principles of international law, as well as by their adherence to the principles of peaceful coexistence;
- (b) To ensure that the problems of disarmament will solved in the spirit of the Final Document of the Tenth Special Session in such a manner that, as a result of the measures adopted, no individual State or group of States may obtain advantages over others at any stage, that both the security of the States participating in the negotiations and the security of the entire international community will be strengthened and that the principle of undiminished security of each party will not be impaired;
- (c) To consult with one another on disarmament matters at all levels, including the highest level, in order that, in a spirit of good will and in an endeavour to harmonize their positions, they may establish the political pre-conditions for the solution of those problems, and also, in the interests of disarmament, to make maximum use of all opportunities for co-operation created by States in other fields of their relations with one another;
- (d) To consider in a fully responsible manner and in a spirit of co-operation all proposals and initiatives aimed at promoting the achievement of mutually acceptable concrete measures of disarmament and helping to accelerate progress in disarmament negotiations;

ΙV

- 1. Declares that the provisions of the present Declaration are interrelated in their interpretation and implementation and that each of them is a component of a joint approach by States in their determination fully to respect and apply all the principles of the Final Document of the Tenth Special Session of the General Assembly and to develop broad international cooperation for achieving the objectives of real disarmament as defined by the Assembly at its tenth special session;
- 2. Declares further that no provision of this Declaration may be interpreted as contradicting the purposes and principles of the Charter or superseding the Final Document of the Tenth Special Session and that no provision of the Declaration may interfere with the immediate realization of the right of every State to individual or collective self-defence or its legitimate right to defend its territorial integrity, to liberate its occupied territories in accordance with the Charter, or with the right of colonial or displaced peoples to struggle by every possible means for their national freedom, independence and self-determination.

Declaration of the 1980s as the Second Disarmament Decade

3 December 1980

1. GENERAL

- 1. In proclaiming the decade of the 1970s as the first United Nations Disarmament Decade, the General Assembly, in its resolution 2602 E (XXIV) of 16 December 1969, enumerated its objectives as follows:
- (a) All Governments should intensify without delay their concerted and concentrated efforts for effective measures relating to the cessation of the nuclear-arms race at an early date and to nuclear disarmament and the elimination of other weapons of mass destruction, and for a treaty on general and complete disarmament under strict and effective international control:
- (b) Consideration should be given to channelling a substantial part of the resources freed by measures in the field of disarmament to promote the economic development of developing countries and, in particular, their scientific and technological progress.
- 2. Although these objectives were reiterated by the General Assembly in later sessions, the first Disarmament Decade ended without their accomplishment. While it is true that some limited agreements were reached, effective measures relating to the cessation of the nuclear-arms race at an early date and to nuclear disarmament have continued to elude man's grasp. Furthermore, no progress has been made in channelling for the purpose of economic and social development any amount of the enormous resources which are wasted on the unproductive arms race.
- 3. Threigh the Final Document of the Tenth Special Session of the General Assembly, contained in resolution S-10/2 of 30 June 1978, which was adopted by consensus, the Assembly, after expressing its conviction that disarmament and arms limitation, particularly in the nuclear field, were essential for the prevention of the danger of nuclear war, for the strengthening of international peace and security and for the economic and social advancement of all peoples, laid down a Programme of Action enumerating the specific measures of disarmament which should be implemented over the next few years.
- 4. In spite of the positive and encouraging outcome of the special session devoted to disarmament, the decade of the 1980s has started with ominous signs of deterioration in the international situation. International peace and security are threatened by the use or threat of use of force against the sovereignty, national independence and territorial integrity of States, by military intervention and occupation, hegemonism, interference in the internal affairs of States, the denial of the right of self-determination of peoples and nations under colonial and alien domination, and by the further escalation of the arms race and efforts to achieve military superiority. It is clear that, if the emerging trend continues and meaningful efforts are not made to check and reverse this trend, international tensions will be further exacerbated and the danger of war will be greater than foreseen at the time of the special session on disarmament. In this connexion, it is pertinent to recall that in the Final Document the General Assembly emphasized that, on the one hand, the arms race in all its aspects runs counter to efforts to achieve

- further relaxation of international tension to establish a viable system of international peace and security and, on the other, that peace and security must be based on strict respect for the principles of the Charter of the United Nations. It is ironic that, while extensive discussions are under way in various forums on global economic problems and on the depletion of resources available for coping with present international economic problems, military expenditures by major military Powers are reaching ever higher levels, involving the greater diversion of resources that could have helped to promote the well-being of all peoples.
- 5. The close relationship between disarmament and development was also underscored in the Final Document, which stated that the resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries. It is, therefore, only appropriate that simultaneously with the proclamation of the Third United Nations Development Decade and the launching of the global round of negotiations, the 1980s should be declared as the Second Disarmament Decade.

II. GOALS AND PRINCIPLES

- 6. The goals of the Second Disarmament Decade should be conceived in the context of the ultimate objective of the efforts of States in the disarmament process, which is general and complete disarmament under effective international control, as elaborated in the final Document.
- 7. Consistent with this over-all objective, the goals of the Second Disarmament Decade should be the following:
- (a) Halting and reversing the arms race, particularly the nuclear arms race:
- (b) Concluding and implementing effective agreements on disarmament, particularly nuclear disarmament, which will contribute significantly to the achievement of general and complete disarmament under effective international control;
- (c) Developing on an equitable basis the limited results obtained in the field of disarmament in the 1970s in accordance with the provisions of the Final Document;
- (d) Strengthening international peace and security in accordance with the Charter of the United Nations;
- (e) Making available a substantial part of the resources released by disarmament measures to promote the attainment of the objectives of the Third United Nations Development Decade and, in particular, the economic and social development of developing countries, so as to accelerate the progress towards the new international economic order.
- 8. The disarmament process and the activities during the Second Disarmament Decade should be in accordance with the fundamental principles enshrined in the Final Document and should be carried out in such a balanced and equitable manner as to ensure the right of each State to security through the adoption of appropriate measures, taking into account the

importance of nuclear disarmament and conventional disarmament, the special responsibility of the States with the largest military arsenals, the specific requirements of regional situations and the necessity for adequate measures of verification. At each stage, the objective should be undiminished security at the lowest possible level of armaments and military forces.

9. Progress in disarmament should be accompanied by the strengthening of the peace-making and peace-keeping functions of the United Nations in accordance with the Charter.

III. ACTIVITIES

A. General

10. The decade of the 1980s should witness renewed intensification by all Governments and the United Nations of their efforts to reach agreement and to implement effective measures that will lead to discernible progress towards the goal of general and complete disarmament under effective international control. In this connexion, special attention should be focused on certain identifiable elements in the Programme of Action as adopted by the General Assembly at its tenth special session which should, as a minimum, be accomplished during the Second Disarmament Decade both through negotiations in the multilateral negotiating forum, the Committee on Disarmament and in other appropriate forums. Adequate methods and procedures of verification should be considered in the context of international disarmament negotiations.

B. Comprehensive programme of disarmament

11. Having been recognized as an important element in an international disarmament strategy, the comprehensive programme for disarmament should be elaborated with the utmost urgency. The Committee on Disarmament should expedite its work on the elaboration of the programme with a view to its adoption no later than at the second special session of the General Assembly devoted to disarmament, scheduled for 1982.

C. Priorities

- 12. The accomplishment of those specific measures of disarmament which have been identified in the Final Document as worthy of priority negotiations by the multilateral negotiating organ would create a very favourable international climate for the second special session of the General Assembly devoted to disarmament. All efforts should be exerted, therefore, by the Committee on Disarmament urgently to negotiate with a view to reaching agreement, and to submit agreed texts where possible before the second special session devoted to disarmament on:
 - (a) A comprehensive nuclear-test-ban treaty;
- (b) A treaty on the prohibition of the development, production and stockpiling of all chemical weapons and their destruction:
- (c) A treaty on the prohibition of the development, production and use of radiological weapons;
- (d) Effective international arrangements to assure nonnuclear-weapon States against the use or threat of use of nuclear weapons, taking into account all proposals and suggestions that have been made in this regard.
- 13. The same priority should be given to the following measures which are dealt with outside the Committee on Disarmament:

- (a) Ratification of the Treaty on the Limitation of Strategic Offensive Arms (SALT II) and commencement of negotiations for a SALT III agreement;
- (b) Ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco):
- (c) Signature and ratification of the agreement negotiated by the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects:
- (d) Achievement of an agreement on mutual reduction of armed forces and armaments and associated measures in central Europe;
- (e) Negotiations on effective confidence-building measures and disarmament measures in Europe among the States participating in the Conference on Security and Co-operation in Europe, taking into account initiatives and proposals to this effect;
- (f) Achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity by agreement on appropriate mutual reduction and limitation of armaments and armed forces in accordance with paragraph 82 of the Final Document, which would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security.
- 14. Other priority measures that should be pursued as rapidly as possible during the Second Disarmament Decade include:
- (a) Significant progress towards the achievement of nuclear disarmament, which will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:
 - (i) Cessation of the qualitative improvement and development of nuclear-weapon systems;
 - (ii) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;
 - (iii) A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time;
- (b) Prevention of the emergence of new types of weapons of mass destruction and new systems of such weapons;
- (c) Further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. These should constitute an important step in the direction of nuclear disarmament and, ultimately, of the establishment of a world free of such weapons;
- (d) Further steps to develop an international consensus to prevent the proliferation of nuclear weapons in accordance with the provisions of paragraphs 65 to 71 of the Final Document;
- (e) Strengthening of the existing nuclear-weapon-free zone and the establishment of other nuclear-weapon-free zones

in accordance with the relevant paragraphs of the Final Document:

- (f) Establishment of zones of peace in accordance with the relevant provisions of the Final Document;
- (g) Measures to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, bearing in mind various proposals designed to secure these objectives and in accordance with paragraphs 57 and 58 of the Final Document, and thereby to ensure that the survival of mankind is not endangered;
- (h) Further steps to prohibit military or any other hostile use of environmental modification techniques;
- (i) Multilateral regional and bilateral measures on the limitation and reduction of conventional weapons and armed forces, in accordance with the relevant provisions of the Final Document;
 - (j) Reduction of military expenditures;
- (k) Confidence-building measures, taking into account the particular conditions and requirements of different regions, with a view to strengthening the security of States.

D. Disarmament and development

- 15. Peace and development are indivisible. During the Second Disarmament Decade, utmost efforts should be made towards the implementation of the specific measures whereby disarmament will contribute effectively to economic and social development and thus facilitate the full and early realization of the new international economic order. To this end, renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources from military purposes to economic and social development especially for the benefit of developing countries.
- 16. Efforts should also be made to strengthen international co-operation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, taking into account the provisions of all relevant paragraphs of the Final Document, in particular to ensure the success of the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy, to be convened in principle by 1983, as decided upon in General Assembly resolution 34/63 of 29 November 1979, as well as other promotional activities in this field in the United Nations system, including those within the framework of the International Atomic Energy Agency.

E. Disarmament and international security

17. An essential condition for progress in the field of disarmament is the preservation and strengthening of international peace and security and the promotion of confidence among States. Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear-arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons. Significant progress in nuclear disarmament would be facilitated both by parallel political and international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional

armaments of the nuclear-weapon States and other States in the regions concerned.

18. All States Members of the United Nations have, in the Final Document, reaffirmed their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, sovereignty and territorial integrity of States, the peaceful settlement of disputes in accordance with the Charter and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others. In the decade of the 1980s, all Governments, in particular the most advanced military Powers, should therefore take such steps as will contribute to the widening of trust among nations of the world as well as in the various regions. This implies a commitment on the part of all States to avoid actions likely to increase tension or create new areas of threats to international peace and security and, in their relationship with other countries, strictly to respect the sovereignty and territorial integrity of States, and the right of peoples under colonial or foreign domination to self-determination and national independence.

F. Public awareness

- 19. As stated in paragraph 15 of the Final Document, it is essential that not only Governments but also the peoples of the world recognize and understand the dangers in the present world armaments situation, so that world public opinion will be mobilized on behalf of peace and disarmament. This will be of great importance to the strengthening of international peace and security, the just and peaceful resolution of disputes and conflicts and effective disarmament.
- 20. In the course of the decade of the 1980s, therefore, governmental and non-governmental information organs of Member States and those of the United Nations and the specialized agencies, as well as non-governmental organizations, should, as appropriate, undertake further programmes of information relating to the danger of the armaments race as well as to disarmament efforts and negotiations and their results, particularly by means of annual activities conducted in connexion with Disarmament Week. These actions should constitute a large-scale programme further to alert world opinion to the danger of war in general and of nuclear war in particular. In keeping with its central role and primary responsibility in the sphere of disarmament, the United Nations, in particular its Centre for Disarmament, should intensify and co-ordinate its programme of publications, audio-visual materials, co-operation with non-governmental organizations and relations with the media. Among its activities, the United Nations should also, in the course of the Second Disarmament Decade, sponsor seminars in the different regions of the world at which issues relating to world disarmament, in general, and to the particular region, especially, will be extensively discussed.

G. Studies

21. As part of the process of facilitating the consideration of issues in the field of disarmament, studies on specific questions should be undertaken on the decision of the General

Assembly, when necessary for preparing the ground for negotiations or reaching agreement. Also, studies pursued under the auspices of the United Nations, in particular by the United Nations Institute for Disarmament Research established by Assembly resolution 34/83 M of 11 December 1979 within the framework of the United Nations Institute for Training and Research, could bring a useful contribution to the knowledge and exploration of disarmament problems, especially in the long term.

H. Implementation, review and appraisal

22. In the accomplishment of the activities earmarked for the Second Disarmament Decade, all Governments, particularly the most advanced military Powers, should make an effective contribution. The United Nations should continue to play a central role. The Committee on Disarmament should fully discharge its responsibility as the single multilateral disarmament negotiating body. The General Assembly should, at its annual sessions and, in particular, at its second special session

devoted to disarmament to be held in 1982, make an effective contribution to the pursuit of the goals of disarmament.

- 23. It is pertinent also to recall that paragraphs 121 and 122 of the Final Document stated:
- (a) That bilateral and regional disarmament negotiations may also play an important role and could facilitate the negotiation of multilateral agreements in the field of disarmament;
- (b) That at the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.
- 24. In order to ensure a co-ordinated approach and to consider the implementation of the Declaration of the 1980s as the Second Disarmament Decade, this question should be included in the agenda of the second special session of the General Assembly devoted to disarmament, envisaged for 1982.
- 25. In addition, the General Assembly will undertake at its fortieth session, in 1985, a review and appraisal, through the Disarmament Commission, of progress in the implementation of the measures identified in the present Declaration.

Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States

9 December 1981

The General Assembly,

Reaffirming, in accordance with the Charter of the United Nations, that no State has the right to intervene directly or indirectly for any reason whatsoever in the internal and external affairs of any other State,

Reaffirming further the fundamental principle of the Charter that all States have the duty not to threaten or use force against the sovereignty, political independence or territorial integrity of other States,

Bearing in mind that the establishment, maintenance and strengthening of international peace and security are founded upon freedom, equality, self-determination and independence, respect for the sovereignty of States, as well as permanent sovereignty of States over their natural resources, irrespective of their political, economic or social systems or the levels of their development,

Considering that full observance of the principle of nonintervention and non-interference in the internal and external affairs of States is of the greatest importance for the maintenance of international peace and security and for the fulfilment of the purposes and principles of the Charter,

Reaffirming, in accordance with the Charter, the right to self-determination and independence of peoples under colonial domination, foreign occupation or racist regimes,

Stressing that the purposes of the United Nations can be achieved only under conditions where peoples enjoy freedom and States enjoy sovereign equality and comply fully with the requirements of these principles in their international relations,

Considering that any violation of the principle of nonintervention and non-interference in the internal and external affairs of States poses a threat to the freedom of peoples, the sovereignty, political independence and territorial integrity of States and to their political, economic, social and cultural development, and also endangers international peace and security,

Considering that a declaration on the inadmissibility of intervention and interference in the internal affairs of States will contribute towards the fulfilment of the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the resolutions adopted by the United Nations relating to that principle, in particular those containing the Declaration on the Strengthening of International Security, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Definition of Aggression,

Solemnly declares that:

1. No State or group of States has the right to intervene or interfere in any form or for any reason whatsoever in the internal and external affairs of other States. 2. The principle of non-intervention and non-interference in the internal and external affairs of States comprehends the following rights and duties:

I

- (a) Sovereignty, political independence, territorial integrity, national unity and security of all States, as well as national identity and cultural heritage of their peoples;
- (b) The sovereign and inalienable right of a State freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, without outside intervention, interference, subversion, coercion or threat in any form whatsoever;
- (c) The right of States and peoples to have free access to information and to develop fully, without interference, their system of information and mass media and to use their information media in order to promote their political, social, economic and cultural interests and aspirations, based, *inter alia*, on the relevant articles of the Universal Declaration of Human Rights and the principles of the new international information order;

1

- (a) The duty of States to refrain in their international relations from the threat or use of force in any form whatsoever to violate the existing internationally recognized boundaries of another State, to disrupt the political, social or economic order of other States, to overthrow or change the political system of another State or its Government, to cause tension between or among States or to deprive peoples of their national identity and cultural heritage;
- (b) The duty of a State to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of another State; this obligation applies also to States entrusted with responsibility for territories yet to attain self-determination and national independence:
- (c) The duty of a State to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State, including acts of reprisal involving the use of force;
- (d) The duty of a State to refrain from any forcible action which deprives peoples under colonial domination or foreign occupation of their right to self-determination, freedom and independence;
- (e) The duty of a State to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of another State or of any of its institutions:

- (f) The duty of a State to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities within other States, under any pretext whatsoever, or any action which seeks to disrupt the unity or to undermine or subvert the political order of other States;
- (g) The duty of a State to prevent on its territory the training, financing and recruitment of mercenaries, or the sending of such mercenaries into the territory of another State, and to deny facilities, including financing, for the equipping and transit of mercenaries;
- (h) The duty of a State to refrain from concluding agreements with other States designed to intervene or interfere in the internal and external affairs of third States;
- (i) The duty of States to refrain from any measure which would lead to the strengthening of existing military blocs or the creation or strengthening of new military alliances, interlocking arrangements, the deployment of interventionist forces or military bases and other related military installations conceived in the context of great-Power confrontation;
- (j) The duty of a State to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of other States;
- (k) The duty of a State, in the conduct of its international relations in the economic, social, technical and trade fields, to refrain from measures which would constitute interference or intervention in the internal or external affairs of another State, thus preventing it from determining freely its political, economic and social development; this includes, inter alia, the duty of a State not to use its external economic assistance programme or adopt any multilateral or unilateral economic reprisal or blockade and to prevent the use of transnational and multinational corporations under its jurisdiction and control as instruments of political pressure or coercion against another State, in violation of the Charter of the United Nations;
- (l) The duty of a State to refrain from the exploitation and the distortion of human rights issues as a means of interference in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or groups of States;
- (m) The duty of a State to refrain from using terrorist practices as state policy against another State or against peoples under colonial domination, foreign occupation or racist regimes and to prevent any assistance to or use of or tolerance of terrorist groups, saboteurs or subversive agents against third States;

- (n) The duty of a State to refrain from organizing, training, financing and arming political and ethnic groups on their territories or the territories of other States for the purpose of creating subversion, disorder or unrest in other countries;
- (o) The duty of a State to refrain from any economic, political or military activity in the territory of another State without its consent;
- (a) The right and duty of States to participate actively on the basis of equality in solving outstanding international issues, thus actively contributing to the removal of causes of conflict and interference;
- (b) The right and duty of States fully to support the right to self-determination, freedom and independence of peoples under colonial domination, foreign occupation or racist regimes, as well as the right of these peoples to wage both political and armed struggle to that end, in accordance with the purposes and principles of the Charter;
- (c) The right and duty of States to observe, promote and defend all human rights and fundamental freedoms within their own national territories and to work for the elimination of massive and flagrant violations of the rights of nations and peoples, and, in particular, for the elimination of apartheid and all forms of racism and racial discrimination;
- (d) The right and duty of States to combat, within their constitutional prerogatives, the dissemination of false or distorted news which can be interpreted as interference in the internal affairs of other States or as being harmful to the promotion of peace, co-operation and friendly relations among States and nations;
- (e) The right and duty of States not to recognize situations brought about by the threat or use of force or acts undertaken in contravention of the principle of non-intervention and non-interference.
- 3. The rights and duties set out in this Declaration are interrelated and are in accordance with the Charter.
- 4. Nothing in this Declaration shall prejudice in any manner the right to self-determination, freedom and independence of peoples under colonial domination, foreign occupation or racist regimes, and the right to seek and receive support in accordance with the purposes and principles of the Charter.
- 5. Nothing in this Declaration shall prejudice in any manner the provisions of the Charter.
- 6. Nothing in this Declaration shall prejudice action taken by the United Nations under Chapters VI and VII of the Charter.

Declaration on the Prevention of Nuclear Catastrophe

9 December 1981

The General Assembly,

Bearing in mind that the foremost task of the United Nations, born in the flames of the Second World War, has been, is and will be to save present and succeeding generations from the scourge of war,

Recognizing that all the horrors of past wars and all other calamities that have befallen people would pale in comparison with what is inherent in the use of nuclear weapons capable of destroying civilization on earth,

Reaffirming that the universally accepted objective is to eliminate completely the possibility of the use of nuclear weapons through the cessation of their production, followed by the destruction of their stockpiles, and that, to this end, priority in disarmament negotiations should be given to nuclear disarmament.

Convinced that, as the first step in this direction, the use of nuclear weapons and the waging of nuclear war should be outlawed, Solemnly proclaims, on behalf of the States Members of the United Nations:

- 1. States and statesmen that resort first to the use of nuclear weapons will be committing the gravest crime against humanity.
- 2. There will never be any justification or pardon for statesmen who take the decision to be the first to use nuclear weapons.
- 3. Any doctrines allowing the first use of nuclear weapons and any actions pushing the world towards a catastrophe are incompatible with human moral standards and the lofty ideals of the United Nations.
- 4. It is the supreme duty and direct obligation of the leaders of nuclear-weapon States to act in such a way as to eliminate the risk of the outbreak of a nuclear conflict. The nuclear-arms race must be stopped and reversed by joint efforts, through negotiations conducted in good faith and on the basis of equality, having as their ultimate goal the complete elimination of nuclear weapons.

Manila Declaration on the Peaceful Settlement of International Disputes

15 November 1982

The General Assembly,

Reaffirming the principle of the Charter of the United Nations that all States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious that the Charter of the United Nations embodies the means and an essential framework for the peaceful settlement of international disputes, the continuance of which is likely to endanger the maintenance of international peace and security,

Recognizing the important role of the United Nations and the need to enhance its effectiveness in the peaceful settlement of international disputes and the maintenance of international peace and security, in accordance with the principles of justice and international law, in conformity with the Charter of the United Nations,

Reassirming the principle of the Charter of the United Nations that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reiterating that no State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Bearing in mind the importance of maintaining and strengthening international peace and security and the development of friendly relations among States, irrespective of their political, economic and social systems or levels of economic development,

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and in other relevant resolutions of the General Assembly,

Stressing the need for all States to desist from any forcible action which deprives peoples, particularly peoples under colonial and racist regimes or other forms of alien domination, of their inalienable right to self-determination, freedom and independence, as referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Mindful of existing international instruments as well as respective principles and rules concerning the peaceful settlement of international disputes, including the exhaustion of local remedies whenever applicable,

Determined to promote international co-operation in the political field and to encourage the progressive development of international law and its codification, particularly in relation to the peaceful settlement of international disputes,

Solemnly declares that:

I

- 1. All States shall act in good faith and in conformity with the purposes and principles enshrined in the Charter of the United Nations with a view to avoiding disputes among themselves likely to affect friendly relations among States, thus contributing to the maintenance of international peace and security. They shall live together in peace with one another as good neighbours and strive for the adoption of meaningful measures for strengthening international peace and security.
- 2. Every State shall settle its international disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- 3. International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means in conformity with obligations under the Charter of the United Nations and with the principles of justice and international law. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with the sovereign equality of States.
- 4. States parties to a dispute shall continue to observe in their mutual relations their obligations under the fundamental principles of international law concerning the sovereignty, independence and territorial integrity of States, as well as other generally recognized principles and rules of contemporary international law.
- 5. States shall seek in good faith and in a spirit of cooperation an early and equitable settlement of their international disputes by any of the following means: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements or agencies or other peaceful means of their own choice, including good offices. In seeking such a settlement, the parties shall agree on such peaceful means as may be appropriate to the circumstances and the nature of their dispute.
- 6. States parties to regional arrangements or agencies shall make every effort to achieve pacific settlement of their local disputes through such regional arrangements or agencies before referring them to the Security Council. This does not preclude States from bringing any dispute to the attention of the Security Council or of the General Assembly in accordance with the Charter of the United Nations.
- 7. In the event of failure of the parties to a dispute to reach an early solution by any of the above means of settlement, they shall continue to seek a peaceful solution and shall consult forthwith on mutually agreed means to settle the dispute peacefully. Should the parties fail to settle by any of the above means a dispute the continuance of which is likely to endanger the maintenance of international peace and security, they shall refer it to the Security Council in accordance with the Charter of United Nations and without prejudice to the functions and powers of the Council set forth in the relevant provisions of Chapter VI of the Charter.

- 8. States parties to an international dispute, as well as other States, shall refrain from any action whatsoever which may aggravate the situation so as to endanger the maintenance of international peace and security and make more difficult or impede the peaceful settlement of the dispute, and shall act in this respect in accordance with the purposes and principles of the United Nations.
- 9. States should consider concluding agreements for the peaceful settlement of disputes among them. They should also include in bilateral agreements and multilateral conventions to be concluded, as appropriate, effective provisions for the peaceful settlement of disputes arising from interpretation or application thereof.
- 10. States should, without prejudice to the right of free choice of means, bear in mind that direct negotiations are a flexible and effective means of peaceful settlement of their disputes. When they choose to resort to direct negotiations, States should negotiate meaningfully, in order to arrive at an early settlement acceptable to the parties. States should be equally prepared to seek the settlement of their disputes by the other means mentioned in the present Declaration.
- States shall in accordance with international law implement in good faith all the provisions of agreements concluded by them for the settlement of their disputes.
- 12. In order to facilitate the exercise by the peoples concerned of the right to self-determination as referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the parties to a dispute may have the possibility, if they agree to do so and as appropriate, to have recourse to the relevant procedures mentioned in the present Declaration, for the peaceful settlement of the dispute.
- 13. Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute.

II

- 1. Member States should make full use of the provisions of the Charter of the United Nations, including the procedures and means provided for therein, particularly Chapter VI, concerning the peaceful settlement of disputes.
- 2. Member States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations. They should, in accordance with the Charter, as appropriate, duly take into account the recommendations of the Security Council relating to the peaceful settlement of disputes. They should also, in accordance with the Charter, as appropriate, duly take into account the recommendations adopted by the General Assembly, subject to Articles 11 and 12 of the Charter, in the field of peaceful settlement of disputes.
- 3. Member States reaffirm the important role conferred on the General Assembly by the Charter of the United Nations in the field of peaceful settlement of disputes and stress the need for it to discharge effectively its responsibilities. Accordingly, they should:
- (a) Bear in mind that the General Assembly may discuss any situation, regardless of origin, which it deems likely to

- impair the general welfare or friendly relations among nations and, subject to Article 12 of the Charter, recommend measures for its peaceful adjustment;
- (b) Consider making use, when they deem it appropriate, of the possibility of bringing to the attention of the General Assembly any dispute or any situation which might lead to international friction or give rise to a dispute;
- (c) Consider utilizing, for the peaceful settlement of their disputes, the subsidiary organs established by the General Assembly in the performance of its functions under the Charter;
- (d) Consider, when they are parties to a dispute brought to the attention of the General Assembly, making use of consultations within the framework of the Assembly, with a view to facilitating an early settlement of their dispute.
- 4. Member States should strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities, in accordance with the Charter of the United Nations, in the area of the settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security. To this end they should:
- (a) Be fully aware of their obligation to refer to the Security Council such a dispute to which they are parties if they fail to settle it by the means indicated in Article 33 of the Charter;
- (b) Make greater use of the possibility of bringing to the attention of the Security Council any dispute or any situation which might lead to international friction or give rise to a dispute:
- (c) Encourage the Security Council to make wider use of the opportunities provided for by the Charter in order to review disputes or situations the continuance of which is likely to endanger the maintenance of international peace and security;
- (d) Consider making greater use of the fact-finding capacity of the Security Council in accordance with the Charter;
- (c) Encourage the Security Council to make wider use, as a means to promote peaceful settlement of disputes, of the subsidiary organs established by it in the performance of its functions under the Charter;
- (f) Bear in mind that the Security Council may, at any stage of a dispute of the nature referred to in Article 33 of the Charter or of a situation of like nature, recommend appropriate procedures or methods of adjustment;
- (g) Encourage the Security Council to act without delay, in accordance with its functions and powers, particularly in cases where international disputes develop into armed conflicts.
- 5. States should be fully aware of the role of the International Court of Justice, which is the principal judicial organ of the United Nations. Their attention is drawn to the facilities offered by the International Court of Justice for the settlement of legal disputes, especially since the revision of the Rules of the Court.

States may entrust the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

States should bear in mind:

- (a) That legal disputes should as a general rule be referred by the parties to the International Court of Justice, in accordance with the provisions of the Statute of the Court;
 - (b) That it is desirable that they:

- (i) Consider the possibility of inserting in treaties, whenever appropriate, clauses providing for the submission to the International Court of Justice of disputes which may arise from the interpretation or application of such treaties;
- (ii) Study the possibility of choosing, in the free exercise of their sovereignty, to recognize as compulsory the jurisdiction of the International Court of Justice in accordance with Article 36 of its Statute;
- (iii) Review the possibility of identifying cases in which use may be made of the International Court of Justice.

The organs of the United Nations and the specialized agencies should study the advisability of making use of the possibility of requesting advisory opinions of the International Court of Justice on legal questions arising within the scope of their activities, provided that they are duly authorized to do so.

Recourse to judicial settlement of legal disputes, particularly referral to the International Court of Justice, should not be considered an unfriendly act between States.

6. The Secretary-General should make full use of the provisions of the Charter of the United Nations concerning the responsibilities entrusted to him. The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. He shall perform such other functions as are entrusted to him by the Security Council or by the General Assembly. Response in this connection shall be

made whenever requested to the Security Council or the General Assembly.

Urges all States to observe and promote in good faith the provisions of the present Declaration in the peaceful settlement of their international disputes;

Declares that nothing in the present Declaration shall be construed as prejudicing in any manner the relevant provisions of the Charter or the rights and duties of States, or the scope of the functions and powers of the United Nations organs under the Charter, in particular those relating to the peaceful settlement of disputes;

Declares that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration;

Stresses the need, in accordance with the Charter, to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law, as appropriate, and through enhancing the effectiveness of the United Nations in this field.

Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations

18 November 1987

The General Assembly,

Recalling the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Recalling that this principle is enshrined in Article 2, paragraph 4, of the Charter of the United Nations and has been reaffirmed in a number of international instruments,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Definition of Aggression and the Manila Declaration on the Peaceful Settlement of International Disputes,

Reaffirming the obligation to maintain international peace and security in conformity with the purposes of the United Nations,

Expressing deep concern at the continued existence of situations of conflict and tension and the impact of the persistence of violations of the principle of refraining from the threat or use of force on the maintenance of international peace and security, as well as at the loss of human life and material damage in the countries affected, the development of which may thereby be set back.

Desiring to remove the risk of new armed conflicts between States by promoting a change in the international climate from confrontation to peaceful relations and co-operation and by taking other appropriate measures to strengthen international peace and security,

Convinced that, in the present world situation, in which nuclear weapons exist, there is no reasonable alternative to peaceful relations among States,

Fully aware that the question of general and complete disarmament is of the utmost importance and that peace, security, fundamental freedoms and economic and social development are indivisible,

Noting with concern the pernicious impact of terrorism on international relations,

Stressing the need for all States to desist from any forcible action aimed at depriving peoples of their right to self-determination, freedom and independence,

Reaffirming the obligation of States to settle their international disputes by peaceful means,

Conscious of the importance of strengthening the United Nations system of collective security,

Bearing in mind the universal significance of human rights and fundamental freedoms as essential factors for international peace and security,

Convinced that States have a common interest in promoting a stable and equitable world economic environment as an essential basis for world peace and that, to that end, they should

strengthen international co-operation for development and work towards a new international economic order,

Reaffirming the commitment of States to the basic principle of the sovereign equality of States,

Reaffirming the inalienable right of every State to choose its political, economic, and social and cultural systems without interference in any form by another State,

Recalling that States are under an obligation not to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other State,

Reaffirming the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Reaffirming the principle of equal rights and self-determination of peoples enshrined in the Charter,

Reaffirming that States shall fulfil in good faith all their obligations under international law,

Aware of the urgent need to enhance the effectiveness of the principle that States shall refrain from the threat or use of force in order to contribute to the establishment of lasting peace and security for all States,

1. Solemnly declares that:

I

- 1. Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and of the Charter of the United Nations and entails international responsibility.
- 2. The principle of refraining from the threat or use of force in international relations is universal in character and is binding, regardless of each State's political, economic, social or cultural system or relations of alliance.
- 3. No consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the Charter.
- 4. States have the duty not to urge, encourage or assist other States to resort to the threat or use of force in violation of the Charter.
- 5. By virtue of the principle of equal rights and selfdetermination enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.
- 6. States shall fulfil their obligations under international law to refrain from organizing, instigating, or assisting or participating in paramilitary, terrorist or subversive acts, including acts of mercenaries, in other States, or acquiescing in organized

activities within their territory directed towards the commission of such acts.

- 7. States have the duty to abstain from armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements.
- 8. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.
- 9. In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.
- 10. Neither acquisition of territory resulting from the threat or use of force nor any occupation of territory resulting from the threat or use of force in contravention of international law will be recognized as legal acquisition or occupation.
- 11. A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter.
- 12. In conformity with the Charter and in accordance with the relevant paragraphs of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, States shall fulfil in good faith all their international obligations.
- 13. States have the inherent right of individual or collective self-defence if an armed attack occurs, as set forth in the Charter.

II

- 14. States shall make every effort to build their international relations on the basis of mutual understanding, trust, respect and co-operation in all areas.
- 15. States should also promote bilateral and regional co-operation as one of the important means to enhance the effectiveness of the principle of refraining from the threat or use of force in international relations.
- 16. States shall abide by their commitment to the principle of peaceful settlement of disputes, which is inseparable from the principle of refraining from the threat or use of force in their international relations.
- 17. States parties to international disputes shall settle their disputes exclusively by peaceful means in such a manner that international peace and security, and justice, are not endangered. For this purpose they shall utilize such means as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice, including good offices.
- 18. States shall take effective measures which, by their scope and by their nature, constitute steps towards the ultimate achievement of general and complete disarmament under strict and effective international control.
- 19. States should take effective measures in order to prevent the danger of any armed conflicts, including those in which nuclear weapons could be used, to prevent an arms race in outer space and to halt and reverse it on Earth, to lower the level of military confrontation and to enhance global stability.

- 20. States should co-operate in order to undertake active efforts aimed at ensuring the relaxation of international tensions, the consolidation of the international legal order and the respect of the system of international security established by the Charter of the United Nations.
- 21. States should establish appropriate confidencebuilding measures aimed at preventing and reducing tensions and at creating a better climate among them.
- 22. States reaffirm that the respect for effective exercise of all human rights and fundamental freedoms and protection thereof are essential factors for international peace and security, as well as for justice and the development of friendly relations and co-operation among all States. Consequently, they should promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *inter alia*, by strictly complying with their international obligations and considering, as appropriate, becoming parties to the principal international instruments in this field.
- 23. States shall co-operate at the bilateral, regional and international levels in order to:
 - (a) Prevent and combat international terrorism;
- (b) Contribute actively to the elimination of the causes underlying international terrorism.
- 24. States shall endeavour to take concrete measures and promote favourable conditions in the international economic environment in order to achieve international peace, security and justice; they will take into account the interest of all in the narrowing of the differences in the levels of economic development, and in particular the interest of developing countries throughout the world.

Ш

- 25. The competent United Nations organs should make full use of the provisions of the Charter of the United Nations in the field of the maintenance of international peace and security with a view to enhancing the effectiveness of the principle of refraining from the threat or use of force in international relations.
- 26. States should co-operate fully with the organs of the United Nations in supporting their action relating to the maintenance of international peace and security and to the peaceful settlement of international disputes in accordance with the Charter. In particular, they should enhance the role of the Security Council so that it can fully and effectively discharge its duties. In this regard, the permanent members of the Council have a special responsibility under the Charter.
- 27. States should strive to enhance the effectiveness of the collective security system through the effective implementation of the provisions of the Charter, particularly those relating to the special responsibilities of the Security Council in this regard. They should also fully discharge their obligations to support United Nations peace-keeping operations decided upon in accordance with the Charter. States shall accept and carry out the decisions of the Council in accordance with the Charter.
- 28. States should give the Security Council every possible type of assistance in all actions taken by it for the just settlement of crisis situations and regional conflicts. They should strengthen the part the Council can play in preventing disputes and situations the continuation of which is likely to endanger

the maintenance of international peace and security. They should facilitate the task of the Council in reviewing situations of potential danger for international peace and security at as early a stage as possible.

- 29. The fact-finding capacity of the Security Council should be enhanced on an ad hoc basis in accordance with the Charter.
- 30. States should give full effect to the important role conferred by the Charter on the General Assembly in the area of peaceful settlement of disputes and the maintenance of international peace and security.
- 31. States should encourage the Secretary-General to exercise fully his functions with regard to the maintenance of international peace and security and the peaceful settlement of disputes, in accordance with the Charter, including those under Articles 98 and 99, and fully co-operate with him in this respect.
- 32. States should take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court as an important factor for strengthening the maintenance of international peace and security. The General Assembly and the Security Council should consider making use of the provisions of the Charter concerning the possibility of requesting the Court to give an advisory opinion on any legal question.
- 33. States parties to regional arrangements or agencies should consider making greater use of such arrangements and agencies for dealing with such matters relating to the mainte-

- nance of international peace and security as are appropriate, pursuant to Article 52 of the Charter;
- 2. Declares that nothing in the present Declaration shall be construed as:
- (a) Enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful;
- (b) Prejudicing in any manner the relevant provisions of the Charter on the rights and duties of Member States or the scope of the functions and powers of the United Nations organs under the Charter, in particular those relating to the threat or use of force;
- 3. Declares that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination, nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration;
- 4. Confirms that, in the event of a conflict between the obligations of Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter will prevail in accordance with Article 103 of the Charter.

Declaration on the Right of Peoples to Peace

12 November 1984

The General Assembly,

Reaffirming that the principal aim of the United Nations is the maintenance of international peace and security,

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Expressing the will and the aspirations of all peoples to eradicate war from the life of mankind and, above all, to avert a world-wide nuclear catastrophe,

Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Aware that in the nuclear age the establishment of a lasting peace on Earth represents the primary condition for the prescrvation of human civilization and the survival of mankind,

Recognizing that the maintenance of a peaceful life for peoples is the sacred duty of each State,

- Solemnly proclaims that the peoples of our planet have a sacred right to peace;
- 2. Solemnly declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;
- 3. Emphasizes that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;
- 4. Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level.

Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in This Field

5 December 1988

The General Assembly,

Recognizing the important role that the United Nations and its organs can play in the prevention and removal of international disputes and situations which may lead to international friction or give rise to an international dispute, the continuance of which may threaten the maintenance of international peace and security (hereafter: "disputes" or "situations"), within their respective functions and powers under the Charter of the United Nations,

Convinced that the strengthening of such a role of the United Nations will enhance its effectiveness in dealing with questions relating to the maintenance of international peace and security and in promoting the peaceful settlement of international disputes,

Recognizing the fundamental responsibility of States for the prevention and removal of disputes and situations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

Bearing in mind the right of all States to resort to peaceful means of their own choice for the prevention and removal of disputes or situations,

Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations,

Recalling that it is the duty of States to refrain in their international relations from military, political, economic or any other form of coercion against the political independence or territorial integrity of any State,

Calling upon States to co-operate fully with the relevant organs of the United Nations and to support actions taken by them in accordance with the Charter relating to the prevention or removal of disputes and situations,

Bearing in mind the obligation of States to conduct their relations with other States in accordance with international law, including the principles of the United Nations,

Reaffirming the principle of equal rights and self-determination of peoples,

Recalling that the Charter confers on the Security Council the primary responsibility for the maintenance of international peace and security, and that the Member States have agreed to accept and carry out its decisions in accordance with the Charter.

Recalling also the important role conferred by the Charter on the General Assembly and the Secretary-General in the maintenance of international peace and security,

1. Solemnly declares that:

- 1. States should act so as to prevent in their international relations the emergence or aggravation of disputes or situations, in particular by fulfilling in good faith their obligations under international law;
- 2. In order to prevent disputes or situations, States should develop their relations on the basis of the sovereign equality of States and in such a manner as to enhance the effectiveness of the collective security system through the effective implementation of the provisions of the Charter of the United Nations;
- States should consider the use of bilateral or multilateral consultations in order better to understand each other's views, positions and interests;
- 4. States party to regional arrangements or members of agencies referred to in Article 52 of the Charter should make every effort to prevent or remove local disputes or situations through such arrangements and agencies;
- States concerned should consider approaching the relevant organs of the United Nations in order to obtain advice or recommendations on preventive means for dealing with a dispute or situation;
- 6. Any State party to a dispute or directly concerned with a situation, particularly if it intends to request a meeting of the Security Council, should approach the Council, directly or indirectly, at an early stage and, if appropriate, on a confidential basis;
- 7. The Security Council should consider holding from time to time meetings, including at a high level with the participation, in particular, of Ministers for Foreign Affairs, or consultations to review the international situation and search for effective ways of improving it;
- 8. In the course of the preparation for the prevention or removal of particular disputes or situations, the Security Council should consider making use of the various means at its disposal, including the appointment of the Secretary-General as rapporteur for a specified question;
- 9. When a particular dispute or situation is brought to the attention of the Security Council without a meeting being requested, the Council should consider holding consultations with a view to examining the facts of the dispute or situation and keeping it under review, with the assistance of the Secretary-General when needed; the States concerned should have the opportunity of making their views known;
- 10. In such consultations, consideration should be given to employing such informal methods as the Security Council deems appropriate, including confidential contacts by its President:
- 11. In such consultations the Security Council should consider, inter alia:
- (a) Reminding the States concerned to respect their obligations under the Charter;

- (b) Making an appeal to the States concerned to refrain from any action which might give rise to a dispute or lead to the deterioration of the dispute or situation;
- (c) Making an appeal to the States concerned to take action which might help to remove, or to prevent the continuation or deterioration of, the dispute or situation;
- 12. The Security Council should consider sending, at an early stage, fact-finding or good offices missions or establishing appropriate forms of United Nations presence, including observers and peace-keeping operations, as a means of preventing the further deterioration of the dispute or situation in the areas concerned;
- 13. The Security Council should consider encouraging and, where appropriate, endorsing efforts at the regional level by the States concerned or by regional arrangements or agencies to prevent or remove a dispute or situation in the region concerned;
- 14. Taking into consideration any procedures that have already been adopted by the States directly concerned, the Security Council should consider recommending to them appropriate procedures or methods of settlement of disputes or adjustment of situations, and such terms of settlement as it deems appropriate;
- 15. The Security Council, if it is appropriate for promoting the prevention and removal of disputes or situations, should, at an early stage, consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question;
- 16. The General Assembly should consider making use of the provisions of the Charter in order to discuss disputes or situations, when appropriate, and, in accordance with Article 11 and subject to Article 12 of the Charter, making recommendations;
- 17. The General Assembly should consider, where appropriate, supporting efforts undertaken at the regional level by the States concerned or by regional arrangements or agencies, to prevent or remove a dispute or situation in the region concerned;
- 18. If a dispute or situation has been brought before it, the General Assembly should consider including in its recommendations making more use of fact-finding capabilities, in accordance with Article 11 and subject to Article 12 of the Charter;

- 19. The General Assembly, if it is appropriate for promoting the prevention and removal of disputes or situations, should consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question;
- 20. The Secretary-General, if approached by a State or States directly concerned with a dispute or situation, should respond swiftly by urging the States to seek a solution or adjustment by peaceful means of their own choice under the Charter and by offering his good offices or other means at his disposal, as he deems appropriate;
- 21. The Secretary-General should consider approaching the States directly concerned with a dispute or situation in an effort to prevent it from becoming a threat to the maintenance of international peace and security;
- 22. The Secretary-General should, where appropriate, consider making full use of fact-finding capabilities, including, with the consent of the host State, sending a representative or fact-finding missions to areas where a dispute or a situation exists; where necessary, the Secretary-General should also consider making the appropriate arrangements;
- 23. The Secretary-General should be encouraged to consider using, at as early a stage as he deems appropriate, the right that is accorded to him under Article 99 of the Charter;
- 24. The Secretary-General should, where appropriate, encourage efforts undertaken at the regional level to prevent or remove a dispute or situation in the region concerned;
- 25. Should States fail to prevent the emergence or aggravation of a dispute or situation, they shall continue to seek a settlement by peaceful means in accordance with the Charter;
- 2. Declares that nothing in the present Declaration shall be construed as prejudicing in any manner the provisions of the Charter, including those contained in Article 2, paragraph 7, thereof, or the rights and duties of States, or the scope of the functions and the powers of United Nations organs under the Charter, in particular those relating to the maintenance of international peace and security;
- 3. Also declares that nothing in the present Declaration could in any way prejudice the right to self-determination, freedom and independence of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial or racist regimes or other forms of alien domination.

Principles That Should Govern Further Actions of States in the Field of the Freezing and Reduction of Military Budgets

15 December 1989

- 1. Concerted efforts should be made by all States, in particular by those States with the largest military arsenals and by the appropriate negotiating forums, with the objective of concluding international agreements to freeze and reduce military budgets, including adequate verification measures acceptable to all parties. Such agreements should contribute to genuine reductions of armed forces and armaments of States parties, with the aim of strengthening international peace and security at lower levels of armed forces and armaments. Definite agreements on the freezing and reduction of military expenditures are assuming special importance and should be reached within the shortest period of time in order to contribute to the curbing of the arms race, alleviate international tensions and increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries.
- 2. All efforts in the field of the freezing and reduction of military expenditures should take into account the principles and purposes of the Charter of the United Nations and the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly.
- 3. Pending the conclusion of agreements to freeze and reduce military expenditures, all States, in particular the most heavily armed States, should exercise self-restraint in their military expenditures.
- 4. The reduction of military expenditures on a mutually agreed basis should be implemented gradually and in a balanced manner, either on a percentage or on an absolute basis, so as to ensure that no individual State or group of States may obtain advantage over others at any stage, and without prejudice to the right of all States to undiminished security and sovereignty and to undertake the necessary measures of self-defence.
- 5. While the freezing and reduction of military budgets is the responsibility of all States, to be implemented in stages in accordance with the principle of greatest responsibility, the process should begin with those nuclear-weapon States with the largest military arsenals and the biggest military expenditures, to be followed immediately by other nuclear weapon States and militarily significant States. This should not prevent other States from initiating negotiations and reaching agreements on the balanced reduction of their respective military budgets at any time during this process.
- 6. Human and material resources released through the reduction of military expenditures should be devoted to economic and social development, particularly for the benefit of the developing countries.
- 7. Meaningful negotiations on the freezing and reduction of military budgets would require that all parties to such negotiations have accepted and implemented transparency and comparability. The elaboration of agreed methods of measuring and

- comparing military expenditures between specified periods of time and between countries with different budgeting systems would be required. To this end States should utilize the reporting system adopted by the General Assembly in 1980.
- 8. Armaments and military activities that would be the subject of physical reductions within the limits provided for in any agreement to reduce military expenditures will be identified by every State party to such agreements.
- 9. The agreements to freeze and reduce military expenditures should contain adequate and efficient measures of verification, satisfactory to all parties, in order to ensure that their provisions are strictly applied and fulfilled by all States parties. The specific methods of verification or other compliance procedure should be agreed upon in the process of negotiation depending upon the purposes, scope and nature of the agreement.
- 10. Unilateral measures undertaken by States concerning the freezing and reduction of military expenditures, especially when they are followed by similar measures adopted by other States on the basis of mutual example, could contribute to favourable conditions for the negotiation and conclusion of international agreements to freeze and reduce military expenditures.
- 11. Confidence-building measures could help to create a political climate conducive to the freezing and reduction of military expenditures. Conversely, the freezing and reduction of military expenditures could contribute to the increase of confidence among States.
- 12. The United Nations should play a central role in orienting, stimulating and initiating negotiations on freezing and reducing military expenditures, and all Member States should co-operate with the Organization and among themselves, with a view to solving the problems implied by this process.
- 13. The freezing and reduction of military expenditures may be achieved, as appropriate, on a global, regional or subregional level, with the agreement of all States concerned.
- 14. The agreements on the freezing and reduction of military budgets should be viewed in a broader perspective, including respect for and implementation of the security system of the United Nations, and be interrelated with other measures of disarmament, within the context of progress towards general and complete disarmament under effective international control. The reduction of military budgets should therefore be complementary to agreements on the limitation of armaments and disarmament and should not be considered as a substitute for such agreements.
- 15. The adoption of the above principles should be regarded as a means of facilitating meaningful negotiations on concrete agreements on the freezing and reduction of military budgets.

Declaration of the 1990s as the Third Disarmament Decade

4 December 1990

- 1. The present Declaration of the 1990s as the Third Disarmament Decade is addressed to the global community and deals with the hopes and aspirations of people for lasting peace and security.
- 2. After a period of heightened tensions, the latter part of the decade of the 1980s saw a noticeable improvement in the way many States conducted their relations with one another. Despite this favourable tread, the specific goals of the Second Disarmament Decade were not fully realized.
- 3. In a world of growing interdependence, it is essential for the international community to stimulate and deepen awareness of the common interests of the global society and of the universal interest in achieving disarmament and strengthening international peace and security. The challenges facing the international community today are enormous. Accordingly, the solution of these difficult and complex issues will require the political will of States in conducting dialogue and negotiations and in promoting international co-operation, including confidence-building measures aimed at reducing tensions and the risk of military confrontation among States, bearing in mind specific conditions prevailing in the region concerned. It will also require acknowledgement of the profound interrelationship of questions relating to disarmament, social and economic development and environmental protection.
- 4. The international community stands on common ground in determining to make progress in the 1990s by resolutely pursuing disarmament along with other efforts necessary for attaining genuine peace and security. As members of the international community, we have identified the following common goals. In the nuclear field, we must continue urgently to seek early reductions in, and the eventual elimination of, nuclear weapons and work towards a comprehensive nuclear-test ban. To achieve the objective of non-proliferation in all its aspects, all States are encouraged to make every effort further to strengthen the non-proliferation regime and other measures to halt and prevent the proliferation of nuclear weapons. The aim of the international community should be to promote co-operation in the peaceful use of nuclear energy on a non-discriminatory basis and under agreed and appropriate international safeguards. The prevention of an arms race in outer space remains an important area to be further addressed. Many States also see the need to address naval confidence-building measures and disarmament issues. In the conventional field, we must seek reductions in arms and armed forces in all areas of the world and, in particular, where levels of concentrations of armaments are highest. In this regard, we urgently seek the successful conclusion of the negotiations on conventional forces in Europe. We aim for continued consideration of arms transfers in all their aspects. In the chemical field we must work for the earliest conclusion of a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons

and on their destruction. The international community also calls for strict compliance with the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925. As further steps forward, openness and transparency on all appropriate military matters should be developed, the scope and techniques of verification advanced, the use of science and technology for peaceful purposes promoted and nonmilitary threats to security addressed. All other initiatives to halt and reverse the arms race, in particular the nuclear-arms race, in both its qualitative and quantitative aspects deserve careful consideration. Such initiatives include the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among States of the region concerned and the creation of zones of peace under appropriate conditions defined and determined freely by the States concerned in the zone. In the pursuit of the foregoing goals, the international community acknowledges the particular responsibility of countries with the largest military arsenals. Resources freed through disarmament could be used for the benefit of a balanced world development. These goals should be included in a comprehensive programme of disarmament, which should be concluded at an appropriate time

- 5. The United Nations will continue to foster multilateral co-operation for disarmament, wherein bilateral and regional efforts can be complementary and mutually supportive in attaining the purposes and principles of the United Nations. The international community can further promote disarmament through the United Nations by building upon its achievements in this field, including the Final Document of the Tenth Special Session of the General Assembly, which was adopted by consensus.
- 6. The international community affirms the positive role that an informed public can play in the process of disarmament by promoting a constructive and realistic dialogue on issues related to disarmament. In this regard, the pursuit of the World Disarmament Campaign and the observance of Disarmament Week will continue to play a useful role. Reflecting a growing understanding and commitment in dealing with the global problems of peace and security, it recognizes that non-governmental organizations play an invaluable role. It also supports an enhanced role for women in developing the conditions for enduring peace.
- 7. As the world moves towards the twenty-first century, it is evident that future generations will need increasing knowledge and understanding of the interdependent nature of life on the planet. Education on international peace and security issues will play a fundamental part in allowing every individual to realize his or her role as a responsible member of the world community.

Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security

9 December 1991

The General Assembly,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, and their provisions regarding fact-finding,

Emphasizing that the ability of the United Nations to maintain international peace and security depends to a large extent on its acquiring detailed knowledge about the factual circumstances of any dispute or situation, the continuance of which might threaten the maintenance of international peace and security (hereinafter, "disputes or situations"),

Recognizing that the full use and further improvement of the means for fact-finding of the United Nations could contribute to the strengthening of the role of the United Nations in the maintenance of international peace and security and promote the peaceful settlement of disputes, as well as the prevention and removal of threats to peace,

Desiring to encourage States to bear in mind the role that competent organs of the United Nations can play in ascertaining the facts in relation to disputes or situations,

Recognizing the particular usefulness of fact-finding missions that the competent United Nations organs may undertake in this respect,

Bearing in mind the experience and expertise acquired by the United Nations in the field of fact-finding missions,

Recognizing the need for States, in exercising their sovereignty, to cooperate with the relevant organs of the United Nations as regards fact-finding missions undertaken by them,

Seeking to contribute to the effectiveness of the United Nations, with a view to enhancing mutual understanding, trust and stability in the world,

Solemnly declares that:

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- 1. In performing their functions in relation to the maintenance of international peace and security, the competent organs of the United Nations should endeavour to have full knowledge of all relevant facts. To this end they should consider undertaking fact-finding activities.
- 2. For the purpose of the present Declaration fact-finding means any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in order to exercise effectively their functions in relation to the maintenance of international peace and security.

- 3. Fact-finding should be comprehensive, objective, impartial and timely.
- 4. Unless a satisfactory knowledge of all relevant facts can be obtained through the use of the information-gathering capabilities of the Secretary-General or other existing means, the competent organ of the United Nations should consider resorting to a fact-finding mission.
- 5. In deciding if and when to undertake such a mission, the competent United Nations organs should bear in mind that the sending of a fact-finding mission can signal the concern of the Organization and should contribute to building confidence and defusing the dispute or situation while avoiding any aggravation of it.
- 6. The sending of a United Nations fact-finding mission to the territory of any State requires the prior consent of that State, subject to the relevant provisions of the Charter of the United Nations.

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- 7. Fact-finding missions may be undertaken by the Security Council, the General Assembly and the Secretary-General, in the context of their respective responsibilities for the maintenance of international peace and security in accordance with the Charter.
- 8. The Security Council should consider the possibility of undertaking fact-finding to discharge effectively its primary responsibility for the maintenance of international peace and security in accordance with the Charter.
- 9. The Security Council should, wherever appropriate, consider the possibility of providing in its resolutions for recourse to fact-finding.
- 10. The General Assembly should consider the possibility of undertaking fact-finding for exercising effectively its responsibilities under the Charter for the maintenance of international peace and security.
- 11. The General Assembly should, wherever appropriate, consider the possibility of providing for recourse to fact-finding in its resolutions relevant to the maintenance of international peace and security.
- 12. The Secretary-General should pay special attention to using the United Nations fact-finding capabilities at an early stage in order to contribute to the prevention of disputes and situations.
- 13. The Secretary-General, on his own initiative or at the request of the States concerned, should consider undertaking a fact-finding mission when a dispute or a situation exists.
- 14. The Secretary-General should prepare and update lists of experts in various fields who would be available for fact-finding missions. He should also maintain and develop, within existing resources, capabilities for mounting emergency fact-finding missions.
- 15. The Security Council and the General Assembly should, in deciding to whom to entrust the conduct of a fact-

finding mission, give preference to the Secretary-General, who may, inter alia, designate a special representative or a group of experts reporting to him. Resort to an ad hoc subsidiary body of the Security Council or the General Assembly may also be considered.

- 16. In considering the possibility of undertaking a factfinding mission, the competent United Nations organ should bear in mind other relevant fact-finding efforts, including those undertaken by the States concerned and in the framework of regional arrangements or agencies.
- 17. The decision by the competent United Nations organ to undertake fact-finding should always contain a clear mandate for the fact-finding mission and precise requirements to be met by its report. The report should be limited to a presentation of findings of a factual nature.
- 18. Any request by a State to a competent organ of the United Nations for the sending of a United Nations fact-finding mission to its territory should be considered without undue delay.

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- 19. Any request by a competent organ of the United Nations for the consent of a State to receive a fact-finding mission within its territory should be given timely consideration by that State. That State should inform the organ of its decision without delay.
- 20. In the event a State decides not to admit a United Nations fact-finding mission to its territory, it should, if it deems it appropriate, indicate the reasons for its decision. It should also keep the possibility of admitting the fact-finding mission under review.
- 21. States should endeavour to follow a policy of admitting United Nations fact-finding missions to their territory.
- 22. States should cooperate with United Nations factfinding missions and give them, within the limits of their capabilities, the full and prompt assistance necessary for the exercise of their functions and the fulfilment of their mandate.
- 23. Fact-finding missions should be accorded all immunities and facilities needed for discharging their mandate, in particular full confidentiality in their work and access to all relevant places and persons, it being understood that no harmful consequences will result to these persons. Fact-finding missions have an obligation to respect the laws and regulations of the State in which they exercise their functions; such laws and

regulations should not however be applied in such a way as to hinder missions in the proper discharge of their functions.

- 24. The members of fact-finding missions, as a minimum, enjoy the privileges and immunities accorded to experts on missions by the Convention on the Privileges and Immunities of the United Nations. Without prejudice to their privileges and immunities, members of fact-finding missions have an obligation to respect the laws and regulations of the State in the territory in which they exercise their functions.
- 25. Fact-finding missions have an obligation to act in strict conformity with their mandate and perform their task in an impartial way. Their members have an obligation not to seek or receive instructions from any Government or from any authority other than the competent United Nations organ. They should keep the information acquired in discharging their mandate confidential even after the mission has fulfilled its task.
- 26. The States directly concerned should be given an opportunity, at all stages of the fact-finding process, to express their views in respect of the facts the fact-finding mission has been entrusted to obtain. When the results of fact-finding are to be made public, the views expressed by the States directly concerned should, if they so wish, also be made public.
- 27. Whenever fact-finding includes hearings, appropriate rules of procedure should ensure their fairness.

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- 28. The Secretary-General should monitor the state of international peace and security regularly and systematically in order to provide early warning of disputes or situations which might threaten international peace and security. The Secretary-General may bring relevant information to the attention of the Security Council and, where appropriate, of the General Assembly.
- 29. To this end, the Secretary-General should make full use of the information-gathering capabilities of the Secretariat and keep under review the improvement of these capabilities.

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- 30. The sending of a United Nations fact-finding mission is without prejudice to the use by the States concerned of inquiry or any similar procedure or of any means of peaceful settlement of disputes agreed by them.
- 31. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

9 December 1994

The General Assembly,

Recalling the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular the provisions of Chapter VIII of the Charter,

Recalling also that resort to regional arrangements or agencies is among the means referred to in Chapter VI of the Charter for the peaceful settlement of disputes,

Recognizing that regional arrangements or agencies can play an important role in preventive diplomacy and in enhancing regional and international cooperation,

Recognizing also the importance of the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

Taking into account the experience gained and the favourable results achieved by regional arrangements or agencies in the peaceful settlement of disputes in different parts of the world,

Bearing in mind the variety of mandates, scope and composition of regional arrangements or agencies,

Considering that action at the regional level can contribute to the maintenance of international peace and security,

Emphasizing that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

Emphasizing also that peace-keeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in whose territory such activities are carried out,

Stressing the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

Emphasizing further that the efforts made by regional arrangements or agencies, in their respective fields of competence, in cooperation with the United Nations can usefully complement the work of the Organization in the maintenance of international peace and security,

Stressing the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Considering that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

Solemnly declares that:

 In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:

- (a) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;
- (b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Council;
- (c) The above provisions in no way impair the application of Articles 34 and 35 of the Charter;
- (d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;
- (c) The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security;
- 2. Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter, make important contributions to the maintenance of international peace and security, including, where appropriate, through the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building;
- 3. Cooperation between regional arrangements or agencies and the United Nations in the maintenance of international peace and security may take various forms, including, inter alia:
- (a) Exchange of information and the holding of consultations at all levels;
- (b) Participation as appropriate in the work of the United Nations organs, in accordance with the applicable rules of procedure and practices;
- (c) Making available personnel, material and other assistance, where appropriate;
- 4. Cooperation between regional arrangements or agencies and the United Nations should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter;
- 5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;
- 6. States participating in regional arrangements or agencies are encouraged to consider the possibility of increasing

efforts at the regional level for the maintenance of international peace and security in accordance with the Charter:

- 7. States participating in regional arrangements or agencies are encouraged to promote confidence-building at the regional level for the maintenance of international peace and security:
- 8. States participating in regional arrangements or agencies are encouraged to consider the possibility of using or, where appropriate, establishing or improving at the regional level procedures and mechanisms for the early detection, the prevention and the peaceful settlement of disputes, in close coordination with the preventive efforts of the United Nations;
- 9. Regional arrangements or agencies are encouraged to consider, as appropriate, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfilment of the purposes and principles of the Charter, including in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping,
- 10. Regional arrangements or agencies are encouraged to consider, in their fields of competence, the possibility of establishing and training groups of military and civilian observers.

fact-finding missions and contingents of peace-keeping forces, for use as appropriate in coordination with the United Nations and when necessary under the authority or with the authorization of the Security Council, in accordance with the Charter.

- 11. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security are hereby reaffirmed together with their provisions concerning the activities of regional arrangements or agencies in the maintenance of international peace and security;
- 12. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

Convention on the Safety of United Nations and Associated Personnel

9 December 1994

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel.

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations.

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of operations are enhanced where such operations are conducted with the consent and cooperation of the host State.

Appealing to all States in which United Nations personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article I Definitions

For the purposes of this Convention:

- (a) "United Nations personnel" means:
- Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
- (ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;
- (b) "Associated personnel" means:
- (i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

- (ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;
- (iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

- (c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:
 - (i) Where the operation is for the purpose of maintaining or restoring international peace and security; or
 - (ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;
- (d) "Host State" means a State in whose territory a United Nations operation is conducted;
- (e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2 Scope of application

- 1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.
- 2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Article 3 Identification

- 1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.
- 2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4 Agreements on the status of the operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, *inter alia*, provisions on privileges and immunities for military and police components of the operation.

Article S Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6 Respect for laws and regulations

- 1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:
- (a) Respect the laws and regulations of the host State and the transit State; and
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.
- 2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

Article 7 Duty to ensure the safety and security of United Nations and associated personnel

- 1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.
- 2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.
- 3. States Parties shall cooperate with the United Nations and other States Parties as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8 Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-offorces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

- 1. The intentional commission of:
- (a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;
- (b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

- (c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act:
 - (d) An attempt to commit any such attack; and
- (c) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack, shall be made by each State Party a crime under its national law.
- 2. Each State Party shall make the crimes set out in paragraph I punishable by appropriate penalties which shall take into account their grave nature.

Article 10 Establishment of jurisdiction

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 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.
- 2. A State Party may also establish its jurisdiction over any such crime when it is committed:
- (a) By a stateless person whose habitual residence is in that State: or
 - (b) With respect to a national of that State; or
- (c) In an attempt to compel that State to do or to abstain from doing any act.
- 3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.
- 4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.
- 5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11 Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, 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; and
- (b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12 Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the

Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

- 1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.
- 2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:
 - (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
- (c) The State or States of which the victim is a national; and
 - (d) Other interested States.

Article 14 Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, 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 law of that State. Those authorities shall take their decision, in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15 Extradition of alleged offenders

- 1. To the extent that the crimes set out in article 9 are not 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 extradition treaty to be concluded between them.
- 2. 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 at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.
- 3. 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 conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes 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 Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16 Mutual assistance in criminal matters

- 1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.
- The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17 Fair treatment

- 1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.
 - 2. Any alleged offender shall be entitled:
- (a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and
- (b) To be visited by a representative of that State or those States.

Article 18 Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

Article 19 Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20 Savings clauses

Nothing in this Convention shall affect:

- (a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;
- (b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

- (c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;
- (d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or
- (e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21 Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22 Dispute settlement

- 1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.
- 2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.
- 3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23 Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

Article 24 Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25 Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 27 Entry into force

- 1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.
- 2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28 Denunciation

- 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
- 2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Declaration on Measures to Eliminate International Terrorism

9 December 1994

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations.

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States.

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups and drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced also that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security.

Convinced further that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need further to strengthen international cooperation between States in order to take and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, *inter alia*, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia,

the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991.

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

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- 1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;
- 2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;
- 3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

- 4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts;
- 5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:
- (a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;
- (b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;
- (c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;
- (d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism:
- (e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;
- (f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above:
- 6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;
- 7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is

a comprehensive legal framework covering all aspects of the matter:

8. Furthermore, States that have not yet done so are urged to consider, as a matter of priority, becoming parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

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- 9. The United Nations, the relevant specialized agencies and intergovernmental organizations and other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field:
- 10. The Secretary-General should assist in the implementation of the present Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:
- (a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;
- (b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;
- (c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;
- (d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism:

IV

- 11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;
- 12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification, as well as by enhancement of coordination between, and increase of the efficiency of, the United Nations and the relevant specialized agencies, organizations and bodies.

United Nations Model Rules for the Conciliation of Disputes between States

11 December 1995

CHAPTER I APPLICATION OF THE RULES

Article 1

- 1. These rules apply to the conciliation of disputes between States where those States have expressly agreed in writing to their application.
- 2. The States which agree to apply these rules may at any time, through mutual agreement, exclude or amend any of their provisions.

CHAPTER II INITIATION OF THE CONCILIATION PROCEEDINGS

Article 2

- 1. The conciliation proceedings shall begin as soon as the States concerned (henceforth: the parties) have agreed in writing to the application of the present rules, with or without amendments, as well as on a definition of the subject of the dispute, the number and emoluments of members of the conciliation commission, its seat and the maximum duration of the proceedings, as provided in article 24. If necessary, the agreement shall contain provisions concerning the language or languages in which the proceedings are to be conducted and the linguistic services required.
- 2. If the States cannot reach agreement on the definition of the subject of the dispute, they may by mutual agreement request the assistance of the Secretary-General of the United Nations to resolve the difficulty. They may also by mutual agreement request his assistance to resolve any other difficulty that they may encounter in reaching an agreement on the modalities of the conciliation proceedings.

CHAPTER III NUMBER AND APPOINTMENT OF CONCILIATORS

Article 3

There may be three conciliators or five conciliators. In either case the conciliators shall form a commission.

Article 4

If the parties have agreed that three conciliators shall be appointed, each one of them shall appoint a conciliator, who may not be of its own nationality. The parties shall appoint by mutual agreement the third conciliator, who may not be of the nationality of any of the parties or of the other conciliators. The third conciliator shall act as president of the commission. If he is not appointed within two months of the appointment of the conciliators appointed individually by the parties, the third conciliator shall be appointed by the Government of a third State chosen by agreement between the parties or, if such agreement is not obtained within two months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next member of the Court in order of

seniority who is not a national of the parties. The third conciliator shall not reside habitually in the territory of the parties or be or have been in their service.

Article 5

- 1. If the parties have agreed that five conciliators should be appointed, each one of them shall appoint a conciliator who may be of its own nationality. The other three conciliators, one of whom shall be chosen with a view to his acting as president, shall be appointed by agreement between the parties from among nationals of third States and shall be of different nationalities. None of them shall reside habitually in the territory of the parties or be or have been in their service. None of them shall have the same nationality as that of the other two conciliators.
- 2. If the appointment of the conciliators whom the parties are to appoint jointly has not been effected within three months, they shall be appointed by the Government of a third State chosen by agreement between the parties or, if such an agreement is not reached within three months, by the President of the International Court of Justice. If the President is a national of one of the parties, the appointment shall be made by the Vice-President or the next judge in order of seniority who is not a national of the parties. The Government or member of the International Court of Justice making the appointment shall also decide which of the three conciliators shall act as president.
- 3. If, at the end of the three-month period referred to in the preceding paragraph, the parties have been able to appoint only one or two conciliators, the two conciliators or the conciliator still required shall be appointed in the manner described in the preceding paragraph. If the parties have not agreed that the conciliator or one of the two conciliators whom they have appointed shall act as president, the Government or member of the International Court of Justice appointing the two conciliators or the conciliator still required shall also decide which of the three conciliators shall act as president.
- 4. If, at the end of the three-month period referred to in paragraph 2 of this article, the parties have appointed three conciliators but have not heen able to agree which of them shall act as president, the president shall be chosen in the manner described in that paragraph.

Article 6

Vacancies which may occur in the commission as a result of death, resignation or any other cause shall be filled as soon as possible by the method established for appointing the members to be replaced.

CHAPTER IV FUNDAMENTAL PRINCIPLES

Article 7

The commission, acting independently and impartially, shall endeavour to assist the parties in reaching an amicable

settlement of the dispute. If no settlement is reached during the consideration of the dispute, the commission may draw up and submit appropriate recommendations to the parties for consideration.

CHAPTER V PROCEDURES AND POWERS OF THE COMMISSION

Article 8

The commission shall adopt its own procedure.

Article 9

- 1. Before the commission begins its work, the parties shall designate their agents and shall communicate the names of such agents to the president of the commission. The president shall determine, in agreement with the parties, the date of the commission's first meeting, to which the members of the commission and the agents shall be invited.
- 2. The agents of the parties may be assisted before the commission by counsel and experts appointed by the parties.
- 3. Before the first meeting of the commission, its members may meet informally with the agents of the parties, if necessary, accompanied by the appointed counsel and experts to deal with administrative and procedural matters.

Article 10

- At its first meeting, the commission shall appoint a secretary.
- 2. The secretary of the commission shall not have the nationality of any of the parties, shall not reside habitually in their territory and shall not be or have been in the service of any of them. He may be a United Nations official if the parties agree with the Secretary-General on the conditions under which the official will exercise these functions.

Article 11

- 1. As soon as the information provided by the parties so permits, the commission, having regard, in particular, to the time-limit laid down in article 24, shall decide in consultation with the parties whether the parties should be invited to submit written pleadings and, if so, in what order and within what time-limits, as well as the dates when, if necessary, the agents and counsel will be heard. The decisions taken by the commission in this regard may be amended at any later stage of the proceedings.
- 2. Subject to the provisions of article 20, paragraph 1, the commission shall not allow the agent or counsel of one party to attend a meeting without having also given the other party the opportunity to be represented at the same meeting.

Article 12

The parties, acting in good faith, shall facilitate the commission's work and, in particular, shall provide it to the greatest possible extent with whatever documents, information and explanations may be relevant.

Article 13

1. The commission may ask the parties for whatever relevant information or documents, as well as explanations, it

deems necessary or useful. It may also make comments on the arguments advanced as well as the statements or proposals made by the parties.

2. The commission may accede to any request by a party that persons whose testimony it considers necessary or useful be heard, or that experts be consulted.

Article 14

In cases where the parties disagree on issues of fact, the commission may use all means at its disposal, such as the joint expert advisers mentioned in article 15, or consultation with experts, to ascertain the facts.

Article 15

The commission may propose to the parties that they jointly appoint expert advisers to assist it in the consideration of technical aspects of the dispute. If the proposal is accepted, its implementation shall be conditional upon the expert advisers being appointed by the parties by mutual agreement and accepted by the commission and upon the parties fixing their emoluments.

Article 16

Each party may at any time, at its own initiative or at the initiative of the commission, make proposals for the settlement of the dispute. Any proposal made in accordance with this article shall be communicated immediately to the other party by the president, who may, in so doing, transmit any comment the commission may wish to make thereon.

Article 17

At any stage of the proceedings, the commission may, at its own initiative or at the initiative of one of the parties, draw the attention of the parties to any measures which in its opinion might be advisable or facilitate a settlement.

Article 18

The commission shall endeavour to take its decisions unanimously but, if unanimity proves impossible, it may take them by a majority of votes of its members. Abstentions are not allowed. Except in matters of procedure, the presence of all members shall be required in order for a decision to be valid.

Article 19

The commission may, at any time, ask the Secretary-General of the United Nations for advice or assistance with regard to the administrative or procedural aspects of its work.

CHAPTER VI CONCLUSION OF THE CONCILIATION PROCEEDINGS

Article 20

- 1. On concluding its consideration of the dispute, the commission may, if full settlement has not been reached, draw up and submit appropriate recommendations to the parties for consideration. To that end, it may hold an exchange of views with the agents of the parties, who may be heard jointly or separately.
- 2. The recommendations adopted by the commission shall be set forth in a report communicated by the president of

the commission to the agents of the parties, with a request that the agents inform the commission, within a given period, whether the parties accept them. The president may include in the report the reasons which, in the commission's view, might prompt the parties to accept the recommendations submitted. The commission shall refrain from presenting in its report any final conclusions with regard to facts or from ruling formally on issues of law, unless the parties have jointly asked it to do so.

- 3. If the parties accept the recommendations submitted by the commission, a procès-verbal shall be drawn up setting forth the conditions of acceptance. The procès-verbal shall be signed by the president and the secretary. A copy thereof signed by the secretary shall be provided to each party. This shall conclude the proceedings.
- 4. Should the commission decide not to submit recommendations to the parties, its decision to that effect shall be recorded in a process-verbal signed by the president and the secretary. A copy thereof signed by the secretary shall be provided to each party. This shall conclude the proceedings.

Article 21

- 1. The recommendations of the commission will be submitted to the parties for consideration in order to facilitate an amicable settlement of the dispute. The parties undertake to study them in good faith, carefully and objectively.
- 2. If one of the parties does not accept the recommendations and the other party does, it shall inform the latter, in writing, of the reasons why it could not accept them.

Article 22

- 1. If the recommendations are not accepted by both parties but the latter wish efforts to continue in order to reach agreement on different terms, the proceedings shall be resumed. Article 24 shall apply to the resumed proceedings, with the relevant time-limit, which the parties may, by mutual agreement, shorten or extend, running from the commission's first meeting after resumption of the proceedings.
- 2. If the recommendations are not accepted by both parties and the latter do not wish further efforts to be made to reach agreement on different terms, a proces-verbal signed by the president and the secretary of the commission shall be drawn up, omitting the proposed terms and indicating that the parties were unable to accept them and do not wish further efforts to be made to reach agreement on different terms. The proceedings shall be concluded when each party has received a copy of the proces-verbal signed by the secretary.

Article 23

Upon conclusion of the proceedings, the president of the commission shall, with the prior agreement of the parties, deliver the documents in the possession of the secretariat of the commission either to the Secretary-General of the United Nations or to another person or entity agreed upon by the parties. Without prejudice to the possible application of article 26, paragraph 2, the confidentiality of the documents shall be preserved.

Article 24

The commission shall conclude its work within the period agreed upon by the parties. Any extension of this period shall be agreed upon by the parties.

CHAPTER VII CONFIDENTIALITY OF THE COMMISSION'S WORK AND DOCUMENTS

Article 25

- 1. The commission's meetings shall be closed. The parties and the members and expert advisers of the commission, the agents and counsel of the parties, and the secretary and the secretariat staff, shall maintain strictly the confidentiality of any documents or statements, or any communication concerning the progress of the proceedings unless their disclosure has been approved by both parties in advance.
- Each party shall receive, through the secretary, certified copies of any minutes of the meetings at which it was represented.
- Each party shall receive, through the secretary, certified copies of any documentary evidence received and of experts' reports, records of investigations and statements by witnesses.

Article 26

- 1. Except with regard to certified copies referred to in article 25, paragraph 3, the obligation to respect the confidentiality of the proceedings and of the deliberations shall remain in effect for the parties and for members of the commission, expert advisers and secretariat staff after the proceedings are concluded and shall extend to recommendations and proposals which have not been accepted.
- 2. Notwithstanding the foregoing, the parties may, upon conclusion of the proceedings and by mutual agreement, make available to the public all or some of the documents that in accordance with the preceding paragraph are to remain confidential, or authorize the publication of all or some of those documents.

CHAPTER VIII OBLIGATION NOT TO ACT IN A MANNER WHICH MIGHT HAVE AN ADVERSE EFFECT ON THE CONCILIATION

Article 27

The parties shall refrain during the conciliation proceedings from any measure which might aggravate or widen the dispute. They shall, in particular, refrain from any measures which might have an adverse effect on the recommendations submitted by the commission, so long as those recommendations have not been explicitly rejected by either of the parties.

CHAPTER IX PRESERVATION OF THE LEGAL POSITION OF THE PARTIES

Article 28

1. Except as the parties may otherwise agree, neither party shall be entitled in any other proceedings, whether in a court of law or before arbitrators or before any other body, entity or person, to invoke any views expressed or statements, admissions or proposals made by the other party in the conciliation pro-

ceedings, but not accepted, or the report of the commission, the recommendations submitted by the commission or any proposal made by the commission, unless agreed to by both parties.

2. Acceptance by a party of recommendations submitted by the commission in no way implies any admission by it of the considerations of law or of fact which may have inspired the recommendations.

CHAPTER X COSTS

Article 29

The costs of the conciliation proceedings and the emoluments of expert advisers appointed in accordance with article 15, shall be borne by the parties in equal shares.

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Human rights

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Convention on the Prevention and Punishment of the Crime of Genocide

9 December 1948

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required,

Hereby agree as hereinafter provided:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part:
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of

the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *procès-verbal* and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
 - (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV:
- (e) The abrogation of the Convention in accordance with article XV:
- (f) Notifications received in accordance with article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

Universal Declaration of Human Rights

10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

- 1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be

independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- 2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- 1. Everyone has the right to freedom of movement and residence within the borders of each State.
- 2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- 1. Everyone has the right to a nationality.
- 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2. Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- 1. Everyone has the right to own property alone as well as in association with others.
 - 2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- 1. Everyone has the right to freedom of peaceful assembly and association.
 - 2. No one may be compelled to belong to an association.

Article 21

- 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2. Everyone has the right to equal access to public service in his country.
- 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage

and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- 2. Everyone, without any discrimination, has the right to equal pay for equal work.
- 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- 4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- 3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
- 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the

rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

International Covenant on Economic, Social and Cultural Rights

16 December 1966

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
- 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

- 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
- 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant

will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

- 1. Nothing in the present Covenart may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
- 2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

- 1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
- 2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant:
 - (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence:
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

- 1. The States Parties to the present Covenant undertake to ensure:
- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
- 2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
- 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

Marriage must be entered into with the free consent of the intending spouses.

- 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
- 3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

- 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.
- 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:
- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both foodimporting and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

- 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
- 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
- (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

- 1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friend-ship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
- 2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
- 3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
- 4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

- 1. The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;

- (b) To enjoy the benefits of scientific progress and its applications:
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic, production of which he is the author.
- 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
- 3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
- 4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific and cultural fields.

Part IV

Article 16

- 1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
- 2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
- (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

- 1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
- 2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
- 3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of deci-

sions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PARTV

Article 26

- 1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
- 2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
- 4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

- 1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
- 2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

- 1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
- 3. When amendments come into force they shall be binding on those States Parties which have accepted them, other

States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

- 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

International Covenant on Civil and Political Rights

16 December 1966

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person.

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
- 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

- 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant

undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

- 3. Each State Party to the present Covenant undertakes:
- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

- 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
- 2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
- 3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

- 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their jimitation to a greater extent than is provided for in the present Covenant.
- 2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the

present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

- 1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
- 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
- 3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
- 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
- 5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
- 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

- 1. No one shall be held in slavery; slavery and the slavetrade in all their forms shall be prohibited.
 - 2. No one shall be held in servitude.
- 3. (a) No one shall be required to perform forced or compulsory labour;
- (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
- (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, not referred to in subparagraph
 (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors:
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

Article 9

- 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
- 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
- 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
- 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

- 1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- 2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
- (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
- 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

- 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 2. Everyone shall be free to leave any country, including his own.

- 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- 4. No one shall be arbitrarily deprived of the right to enter his own country.

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

- 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
- Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
- 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him:
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

- (g) Not to be compelled to testify against himself or to confess guilt.
- 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
- 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
- 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
- 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

- 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
- 2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

- 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- 2. Everyone has the right to the protection of the law against such interference or attacks.

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

- 1. Everyone shall have the right to hold opinions without interference.
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

- 1. Any propaganda for war shall be prohibited by law.
- 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

- 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
- 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
- 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

- 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- 2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

- 3. No marriage shall be entered into without the free and full consent of the intending spouses.
- 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

- 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
- 2. Every child shall be registered immediately after birth and shall have a name.
 - 3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Articie 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

- 1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
- 2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
- 3. The members of the Committee shall he elected and shall serve in their personal capacity.

- 1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
- 2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
 - 3. A person shall be eligible for renomination.

Article 30

- 1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant
- 2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
- 3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
- 4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

- 1. The Committee may not include more than one national of the same State.
- 2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

- 1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
- Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the

Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

- 1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
- 2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
- 3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

- 1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
- 2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
- The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

- 1. The Committee shall elect its officers for a term of two years. They may be re-elected.
- 2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - (a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

- 1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
- (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
 - (b) Thereafter whenever the Committee so requests.
- 2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
- 3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
- 4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
- 5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

- 1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
- (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

- (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;
- (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
 - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

- 1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant:
- (b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part

of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

- 2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.
- 3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
- 4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
- 5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.
- 6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
- 7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
- (a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
- (b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
- (c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;
- (d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
- 8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.
- 9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
- 10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

- 1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
- 2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
- Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General

of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

- 1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations

and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

- 1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

Optional Protocol to the International Covenant on Civil and Political Rights

16 December 1966

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

- 1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.
- 2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

- 1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.
- 2. The Committee shall not consider any communication from an individual unless it has ascertained that

- (a) The same matter is not being examined under another procedure of international investigation or settlement;
- (b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.
- 3. The Committee shall hold closed meetings when examining communications under the present Protocol.
- 4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514(XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

- The present Protocol is open for signature by any State which has signed the Covenant.
- 2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.
- Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

- 1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.
- 2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

- 1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.
- 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

- 1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.
- 2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under article 8;
- (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
 - (c) Denunciations under article 12.

- 1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

15 December 1989

The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966,

Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

Article 1

- 1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
- 2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Article 2

- 1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
- 2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.
- 3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

Article 4

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 5

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

- 1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
- 2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

- 1. The present Protocol is open for signature by any State that has signed the Covenant.
- The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
- 4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
- 5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

- 1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
- 2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 9

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Reservations, communications and notifications under article 2 of the present Protocol;
- (b) Statements made under articles 4 or 5 of the present Protocol;
- (c) Signatures, ratifications and accessions under article 7 of the present Protocol;
- (d) The date of the entry into force of the present Protocol under article 8 thereof.
- 1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

United Nations Declaration on the Elimination of All Forms of Racial Discrimination

20 November 1963

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world continues none the less to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, inter alia, of apartheid, segregation and separation, as well as by the promotion and dissemination of doctrines of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

- 1. Solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;
- 2. Solemnly affirms the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;

3. Proclaims this Declaration:

Article 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

- 1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the grounds of race, colour or ethnic origin.
- No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.
- 3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

- 1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.
- 2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of apartheid, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

- 1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.
- 2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Article 9

- All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.
- All incitement to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.
- 3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

Article 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

International Convention on the Elimination of All Forms of Racial Discrimination

21 December 1965

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514(XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904(XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build

an international community free from all forms of racial segregation and racial discrimination.

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960.

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end.

Have agreed as follows:

PART I

Article 1

- 1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
- 3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of State Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
- 4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

- 1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
- 2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms

and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
- (c) Political rights, in particular the rights to participate in elections to vote and to stand for election on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
 - (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
 - (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention

PART II

Article 8

- 1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.
- 2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
- 3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting
- 5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
- (b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
- States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee

so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

- 1. The Committee shall adopt its own rules of procedure.
- The Committee shall elect its officers for a term of two years.
- 3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.
- 4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

- 1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
- 2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.
- 3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
- 4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
- 5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

- (b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.
- 2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.
- 3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
- 4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.
- 5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.
- 6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
- 7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.
- 8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

- 1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.
- 2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.
- 3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

- 1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
- 2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of

- individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.
- 3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.
- 4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.
- 5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.
- 6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.
- (b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
- 7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.
- (b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.
- 8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.
- 9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

- 1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.
- 2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions

from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514(XV) applies, relating to matters covered by this Convention which are before these bodies.

- (b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.
- 3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.
- 4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

- 1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.
- This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

- 1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.
- Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

- 1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.
- 2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.
- 3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

- 1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
- 2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
 - (d) Denunciations under article 21.

- 1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

Declaration on Territorial Asylum

14 December 1967

The General Assembly.

Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Mindful of the Universal Declaration of Human Rights, which declares in article 14 that:

- "1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- "2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations".

Recalling also article 13, paragraph 2, of the Universal Declaration of Human Rights, which states:

"Everyone has the right to leave any country, including his own, and to return to his country",

Recognizing that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State,

Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States should base themselves in their practices relating to territorial asylum on the following principles:

Article 1

1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

- 2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.
- 3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum.

Article 2

- 1. The situation of persons referred to in article 1, paragraph 1, is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community.
- 2. Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden on that State.

Article 3

- 1. No person referred to in article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution.
- 2. Exception may be made to the foregoing principle only for overriding reasons of national security or in order to safeguard the population, as in the case of a mass influx of persons.
- 3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it shall consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate, an opportunity, whether by way of provisional asylum or otherwise, of going to another State.

Article 4

States granting asylum shall not permit persons who have received asylum to engage in activities contrary to the purposes and principles of the United Nations.

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

26 November 1968

Preamble

The States Parties to the present Convention,

Recalling resolutions of the General Assembly of the United Nations 3 (I) of 13 February 1946 and 170 (II) of 31 October 1947 on the extradition and punishment of war criminals, resolution 95 (I) of 11 December 1946 affirming the principles of international law recognized by the Charter of the International Military Tribunal, Nürnberg, and the judgement of the Tribunal, and resolutions 7184 (XXI) of 12 December 1966 and 2202 (XXI) of 16 December 1966 which expressly condemned as crimes against humanity the violation of the economic and political rights of the indigenous population on the one hand and the policies of apartheid on the other,

Recalling resolutions of the Economic and Social Council of the United Nations 1074 D (XXXIX) of 28 July 1965 and 1158 (XLI) of 5 August 1966 on the punishment of war criminals and of persons who have committed crimes against humanity,

Noting that none of the solemn declarations, instruments or conventions relating to the prosecution and punishment of war crimes and crimes against humanity made provision for a period of limitation,

Considering that war crimes and crimes against humanity are among the gravest crimes in international law,

Convinced that the effective punishment of war crimes and crimes against humanity is an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security,

Noting that the application to war crimes and crimes against humanity of the rules of municipal law relating to the period of limitation for ordinary crimes is a matter of serious concern to world public opinion, since it prevents the prosecution and punishment of persons responsible for those crimes,

Recognizing that it is necessary and timely to affirm in international law, through this Convention, the principle that there is no period of limitation for war crimes and crimes against humanity, and to secure its universal application,

Have agreed as follows:

Article I

No statutory limitation shall apply to the following crimes, irrespective of the date of their commission:

- (a) War crimes as they are defined in the Charter of the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, particularly the "grave breaches" enumerated in the Geneva Conventions of 12 August 1949 for the protection of war victims;
- (b) Crimes against humanity whether committed in time of war or in time of peace as they are defined in the Charter of

the International Military Tribunal, Nürnberg, of 8 August 1945 and confirmed by resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946 of the General Assembly of the United Nations, eviction by armed attack or occupation and inhuman acts resulting from the policy of apartheid, and the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, even if such acts do not constitute a violation of the domestic law of the country in which they were committed.

Article II

If any of the crimes mentioned in article I is committed, the provisions of this Convention shall apply to representatives of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the State authority who tolerate their commission.

Article III

The States Parties to the present Convention undertake to adopt all necessary domestic measures, legislative or otherwise, with a view to making possible the extradition, in accordance with international law, of the persons referred to in article II of this Convention.

Article IV

The States Parties to the present Convention undertake to adopt, in accordance with their respective constitutional processes, any legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of the crimes referred to articles I and II of this Convention and that, where they exist, such limitations shall he abolished.

Article V

This Convention shall, until 31 December 1969, be open for signature by any State Member of the United Nations or member of any of its specialized agencies or of the International Atomic Energy Agency, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

Article VI

This Convention is subject to ratification. Instruments of ratification shall he deposited with the Secretary-General of the United Nations.

Article VII

This Convention shall be open to accession by any State referred to in article V. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article VIII

- 1. This Convention shall enter into force on the ninetieth day after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
- 2. For each State ratifying this Convention or acceding to it after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after the date of the deposit of its own instrument of ratification or accession

Article IX

- 1.- After the expiry of a period of ten years from the date on which this Convention enters into force, a request for the revision of the Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
- 2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article X

- 1. This Convention shall be deposited with the Secretary-General of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States referred to in article V.
- 3. The Secretary-General of the United Nations shall inform all States referred to in article V of the following particulars:
- (a) Signatures of this Convention, and instruments of ratification and accession deposited under articles V, VI and VII;
- (b) The date of entry into force of this Convention in accordance with article VIII:
 - (c) Communications received under article IX.

Article XI

This Convention, of which the Chinese, English, French Russian and Spanish texts are equally authentic, shall bear the date of 26 November 1968.

IN WITNESS WHEREOF the undersigned, being duly authorized for that purpose, have signed this Convention.

International Convention on the Suppression and Punishment of the Crime of Apartheid

30 November 1973

The States Parties to the present Convention,

Recalling the provisions of the Charter of the United Nations, in which all Members pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Considering the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the General Assembly stated that the process of liberation is irresistible and irreversible and that, in the interests of human dignity, progress and justice, an end must be put to colonialism and all practices of segregation and discrimination associated therewith.

Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, States particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction,

Observing that, in the Convention on the Prevention and Punishment of the Crime of Genocide, certain acts which may also be qualified as acts of apartheid constitute a crime under international law,

Observing that, in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, "inhuman acts resulting from the policy of apartheid" are qualified as crimes against humanity,

Observing that the General Assembly of the United Nations has adopted a number of resolutions in which the policies and practices of apartheid are condemned as a crime against humanity,

Observing that the Security Council has emphasized that apartheid and its continued intensification and expansion seriously disturb and threaten international peace and security,

Convinced that an International Convention on the Suppression and Punishment of the Crime of Apartheid would make it possible to take more effective measures at the international and national levels with a view to the suppression and punishment of the crime of apartheid,

Have agreed as follows:

Article I

1. The States Parties to the present Convention declare that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

2. The States Parties to the present Convention declare criminal those organizations, institutions and individuals committing the crime of apartheid.

Article II

For the purpose of the present Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

- (a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:
 - (i) By murder of members of a racial group or groups;
 - (ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
 - (iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- (b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- (c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- (d) Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- (e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;
- (f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

Article III

International criminal responsibility shall apply, irrespective of the motive involved, to individuals, members of organizations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they:

- (a) Commit, participate in, directly incite or conspire in the commission of the acts mentioned in article II of the present Convention;
- (b) Directly abet, encourage or cooperate in the commission of the crime of apartheid.

Article IV

The States Parties to the present Convention undertake:

- (a) To adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime;
- (b) To adopt legislative, judicial and administrative measures to prosecute, bring to trial and punish in accordance with their jurisdiction persons responsible for, or accused of, the acts defined in article II of the present Convention, whether or not such persons reside in the territory of the State in which the acts are committed or are nationals of that State or of some other State or are stateless persons.

Article V

Persons charged with the acts enumerated in article II of the present Convention may be tried by a competent tribunal of any State Party to the Convention which may acquire jurisdiction over the person of the accused or by an international penal tribunal having jurisdiction with respect to those States Parties which shall have accepted its jurisdiction.

Article VI

The States Parties to the present Convention undertake to accept and carry out in accordance with the Charter of the United Nations the decisions taken by the Security Council aimed at the prevention, suppression and punishment of the crime of apartheid, and to cooperate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of the Convention.

Article VII

- 1. The States Parties to the present Convention undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.
- 2. Copies of the reports shall be transmitted through the Secretary-General of the United Nations to the Special Committee on Apartheid.

Article VIII

Any State Party to the present Convention may call upon any competent organ of the United Nations to take such action under the Charter of the United Nations as it considers appropriate for the prevention and suppression of the crime of apartheid.

Article IX

- 1. The Chairman of the Commission on Human Rights shall appoint a group consisting of three members of the Commission on Human Rights, who are also representatives of States Parties to the present Convention, to consider reports submitted by States Parties in accordance with article VII.
- 2. If, among the members of the Commission on Human Rights, there are no representatives of States Parties to the present Convention or if there are fewer than three such representatives, the Secretary-General of the United Nations shall, after consulting all States Parties to the Convention, designate a representative of the State Party or representatives of the States Parties which are not members of the Commission on Human Rights to take part in the work of the group established in accordance with paragraph 1 of this article, until such time as representatives of the States Parties to the Convention are elected to the Commission on Human Rights.
- 3. The group may meet for a period of not more than five days, either before the opening or after the closing of the session of the Commission on Human Rights, to consider the reports submitted in accordance with article VII.

Article X

- 1. The States Parties to the present Convention empower the Commission on Human Rights:
- (a) To request United Nations organs, when transmitting copies of petitions under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, to draw its attention to complaints concerning acts which are enumerated in article II of the present Convention;
- (b) To prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States Parties to the present Convention, a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States Parties to the Convention;
- (c) To request information from the competent United Nations organs concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, with regard to such individuals alleged to be responsible for crimes under article II of the Convention who are believed to be under their territorial and administrative jurisdiction.
- 2. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), the provisions of the present Convention shall in no way limit the right of petition granted to those peoples by other international instruments or by the United Nations and its specialized agencies.

Article XI

- Acts enumerated in article II of the present Convention shall not be considered political crimes for the purpose of extradition.
- 2. The States Parties to the present Convention undertake in such cases to grant extradition in accordance with their legislation and with the treaties in force.

Article XII

Disputes between States Parties arising out of the interpretation, application or implementation of the present Convention which have not been settled by negotiation shall, at the request of the States parties to the dispute, be brought before the International Court of Justice, save where the parties to the dispute have agreed on some other form of settlement.

Article XIII

The present Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it.

Article XIV

- 1. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XV

- 1. The present Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article XVI

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article XVII

- 1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
- 2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article XVIII

The Secretary-General of the United Nations shall inform all States of the following particulars:

- (a) Signatures, ratifications and accessions under articles XIII and XIV:
- (b) The date of entry into force of the present Convention under article XV;
 - (c) Denunciations under article XVI;
 - (d) Notifications under article XVII.

Article XIX

- 1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

9 December 1975

Article 1

- 1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.
- 2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practiced within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody

and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in, any proceedings.

International Declaration against Apartheid in Sports

14 December 1977

The General Assembly,

Recalling the provisions of the Charter of the United Nations, in which Member States pledge to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Considering the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind such as race, colour or national origin,

Recalling that, in accordance with the principles of the International Convention on the Elimination of All Forms of Racial Discrimination, States undertake not to sponsor, defend or support racial discrimination,

Recalling further that the International Convention on the Suppression and Punishment of the Crime of Apartheid declares that apartheid is a crime violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security,

Recalling that the General Assembly has adopted a number of resolutions in which the policies and practices of apartheid, including the application of apartheid in the field of sport, and collaboration with the racist regime in all areas, are condemned,

Reaffirming the legitimacy of the struggle of the people of South Africa for the total elimination of apartheid and racial discrimination.

Recognizing that the eradication of apartheid and rendering of assistance to the South African people to establish a non-racial society is one of the primary concerns of the international community,

Convinced that more effective measures must be taken as a matter of priority, during the International Anti-Apartheid Year and the Decade to Combat Racism and Racial Discrimination, to eliminate apartheid in all its manifestations,

Reaffirming its unqualified support for the Olympic principle that no discrimination be allowed on the grounds of race, religion or political affiliation and its belief that merit should be the sole criterion for participation in sports activities,

Considering that international representative sporting contacts based on the Olympic principle can play a positive role in promoting peace and the development of friendly relations among nations of the world,

Recognizing that there can be neither adherence to the principle of merit selection nor fully integrated non-racial sport in any country practicing apartheid until the apartheid system itself is eradicated,

Condemning the enforcement, by the racist regime of South Africa, of racial discrimination and segregation in sports,

Commending the sportsmen inside South Africa who are struggling against apartheid and upholding the principle of non-racialism in sport,

Condemning the repressive measures taken by the racist apartheid regime against the non-racial sports bodies and their leaders in South Africa,

Rejecting the policy of so-called "multinational" sport, enunciated by the South African racist regime, as no more than a device for perpetuating apartheid in sports and an attempt by the regime to mislead international public opinion in order to gain acceptance for participation in international sport,

Recognizing the importance in the international campaign against apartheid of the boycott of South African sports teams selected on the basis of apartheid,

Convinced that an effective campaign for the total boycott of South African sports teams can be an important measure in demonstrating the abhorrence of apartheid by Governments and peoples,

Commending all Governments, sportsmen, sports bodies and other organizations which have taken action against apartheid in sports,

Noting with concern that some national and international sports bodies have continued contacts with racist apartheid sports bodies in violation of the Olympic principle and resolutions of the United Nations

Recognizing that participation in sports exchanges with teams selected on the basis of apartheid violates the fundamental human rights of the great majority of the people of South Africa and directly abets and encourages the commission of the crime of apartheid, as defined in the International Convention on the Suppression and Punishment of the Crime of Apartheid, and encourages the racist regime in its pursuit of apartheid,

Condemning sports contacts with any country practicing Apartheid and recognizing that participation in apartheid in sports condones and strengthens apartheid and thereby becomes the legitimate concern of all Governments,

Convinced that an international declaration against apartheid sports would make it possible to take more effective measures at the international and national levels with a view to completely isolating and eliminating apartheid,

 ${\it Proclaims}$ this International Declaration against Apartheid in Sports:

Article 1

States affirm and support this Declaration as an expression international condemnation of apartheid and as a measure contribute towards the total eradication of the system of apartheid, and to this end resolve to take strong action and exert the greatest possible influence in order to ensure the total elimination of apartheid in sports.

Article 2

States shall take all appropriate action to bring about the total cessation of sporting contacts with any country practising apartheid and shall refrain from official sponsorship, assistance or encouragement of such contacts.

States shall take all appropriate action towards the exclusion or expulsion of any country practicing apartheid from international and regional sports bodies. They shall give full support national sports bodies attempting to exclude such countries from membership of international and regional sports associations or to prevent such countries from participation in sports activities.

Article 4

- 1. States shall publicly declare and express total opposition apartheid in sports as well as full and active support for the total boycott of all teams and sportsmen from the racist apartheid sports bodies.
- 2. States shall pursue a vigorous programme of public education aimed at securing strict adherence to the Olympic principle of non-discrimination in sports and widespread national acceptance for the spirit and letter of United Nations resolutions on apartheid in sports.
- 3. Sports bodies shall be actively encouraged to withhold any support from sporting events organized in violation of he Olympic principle and United Nations resolutions. To this end States shall convey the United Nations resolutions on apartheid in sports to all national sports bodies, urging them:
- (a) To disseminate such information to all their affiliates and branches:
- (b) To take all necessary action to ensure strict compliance with those resolutions.

Article 5

States shall take appropriate actions against their sporting teams and organizations whose members collectively or individually participate in sports activities in any country practising apartheid or with teams from a country practicing apartheid, which in particular shall include:

- (a) Refusal to provide financial or other assistance to enable sports bodies, teams or individuals to participate in sports activities in countries practising apartheid or with teams and individual sportsmen selected on the basis of apartheid;
- (b) Refusal to provide financial or other assistance for any purpose to sports bodies whose team members or affiliates participate in such sporting activities;
- (c) Withdrawal of access to national sporting facilities to such teams or individuals;
- (d) Non-recognition by States of all professional sporting contracts which involve sporting activities in any country practising apartheid, or with teams or individual sportsmen selected on the basis of apartheid;
- (e) Denial and withdrawal of national honours or awards to such teams or individuals;
- (f) Denial of official receptions to teams or sportsmen participating in sports activities with teams or individual sportsmen from any country practicing apartheid.

Article 6

States shall deny visas and/or entry to representatives of sports bodies, members of teams or individual sportsmen from any country practicing apartheid.

Article 7

States shall establish national regulations and guidelines against participation with apartheid in sports and shall ensure that effective means exist for bringing about compliance with such guidelines.

Article 8

States shall co-operate with anti-apartheid movements and other organizations which are engaged in promoting the implementation of the principles of this Declaration.

Article 9

States undertake to encourage actively and publicly all official bodies, private enterprises and other groups engaged in promoting, organizing or servicing sports activities to refrain from undertaking any action which in any way supports, assists or enables the organization of activities involving apartheid in sports.

Article 10

States shall urge all their regional, provincial and other authorities to take whatever steps are necessary to ensure the strict compliance with the provisions of this Declaration.

Article 11

States agree to use their best endeavours to terminate the practice of apartheid in sports, in accordance with the principles contained in this Declaration and, to this end, States agree to work towards the prompt preparation and adoption of an international convention against apartheid in sports based on the principles contained in this Declaration which would include sanctions for violation of its terms.

Article 12

- 1. States and international, regional and national sports bodies shall actively support projects, undertaken in collaboration with the Organization of African Unity and the South African liberation movements recognized by it, towards the formation of non-racial teams truly representative of South Africa.
- 2. To this end, States and all appropriate organizations shall encourage, assist and recognize genuine non-racial sports bodies in South Africa endorsed by the Special Committee against Apartheid, the Organization of African Unity and the South African liberation movements recognized by it.
- States shall also give active support to sportsmen and sports administrators in their opposition to apartheid in sports.

Article 13

International, regional and national sports bodies shall uphold the Olympic principle and cease all sports contact with the racist apartheid sports bodies.

Article 14

International sports bodies shall not impose financial or other penalties on affiliated bodies which, in accordance with United Nations resolutions and the spirit of the Olympic Charter, refuse to participate in sports contact with any country practising apartheid.

National sports bodies shall take appropriate action to persuade their international federation to exclude racist apartheid sports bodies from membership and from all international activities.

Article 16

All national Olympic committees shall declare their opposition to apartheid in sports and to sports contact with South Africa, and shall actively encourage all affiliates and constituent members to end all sports contact with South Africa.

Article 17

The provisions of this Declaration concerning the boycott of South African sports teams shall not apply to non-racial bodies endorsed by the Special Committee against Apartheid, the Organization of African Unity and the South African liberation movements recognized by it and their members.

Article 18

All international, regional and national sports bodies and Olympic committees shall endorse the principles of this Declaration and support and uphold all provisions contained therein.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

20 November 1963

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief.

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible.

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the grounds of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or

private, to manifest his religion or belief in worship, observance, practice and teaching.

- No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Article 2

- 1. No one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or other beliefs.
- 2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article 3

Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article 4

- 1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.
- 2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

- 1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
- 2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

- 3. The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
- 4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.
- 5. Practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, *inter alia*, the following freedoms:

- (a) To worship or assemble in connexion with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or helief:
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislations in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

10 December 1984

The States Parties to this Convention.

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to terture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.

Have agreed as follows:

PART I

Article 1

- 1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
- 2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

- 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
- 3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

- No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
- 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

- 1. Each State Party shal! ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
- 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
- (a) When the offences are committed in any territory under its jurisdiction 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 victim is a national of that State if that State considers it appropriate.
- 2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.
- 3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

- 1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
- 2. Such State shall immediately make a preliminary inquiry into the facts.
- 3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the

nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

- 1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
- 2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
- 3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

- 1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
- 2. 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 consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
- 3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
- 4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

- 1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
- 2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

- 1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
- 2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined hy, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

- 1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
- 2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have heen made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of

references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

- 1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
- 2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
- 3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
- 6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

- 1. The Committee shall elect its officers for a term of two years. They may be re-elected.
- 2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
 - (a) Six members shall constitute a quorum;
- (b) Decisions of the Committee shall be made by a majority vote of the members present.
- 3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
- 4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
- 5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

- 1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
- 2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
- 3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
- 4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

- 1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
- 2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other

relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

- 3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
- 4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
- 5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the cooperation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

- 1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
- (a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- (c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;
- (f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
 - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.
- 2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

- 1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
- 2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.
- 3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six

months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

- 4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
- 5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:
- (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
- (b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
- 6. The Committee shall hold closed meetings when examining communications under this article.
- 7. The Committee shall forward its views to the State Party concerned and to the individual.
- 8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

- 1. This Convention is open for signature by all States.
- 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

- 1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

- 1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
- 2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

- 1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
- 2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
- 3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

- 1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

- 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
- 2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
- 3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
 - (c) Denunciations under article 31.

- 1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live

13 December 1985

The General Assembly,

Considering that the Charter of the United Nations encourages universal respect for and observance of the human rights and fundamental freedoms of all human beings, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, such a race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the Universal Declaration of Human Rights proclaims further that everyone has the right to recognition everywhere as a person before the law, that all are equal before the law and entitled without any discrimination to equal protection of the law, and that all are entitled to equal protection against any discrimination in violation of that Declaration and against any incitement to such discrimination,

Being aware that the States parties to the International Covenants on Human Rights undertake to guarantee that the rights enunciated in these Covenants will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Conscious that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recognizing that the protection of human rights and fundamental freedoms provided for in international instruments should also be ensured for individuals who are not nationals of the country in which they live,

Proclaims this Declaration:

Article 1

For the purposes of this Declaration, the term "alien" shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.

Article 2

1. Nothing in this Declaration shall be interpreted as legitimizing the illegal entry into and presence in a State of any alien, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.

2. This Declaration shall not prejudice the enjoyment of the rights accorded by domestic law and of the rights which under international law a State is obliged to accord to aliens, even where this Declaration does not recognize such rights or recognizes them to a lesser extent.

Article 3

Every State shall make public its national legislation or regulations affecting aliens.

Article 4

Aliens shall observe the laws of the State in which they reside or are present and regard with respect the customs and traditions of the people of that State.

- 1. Aliens shall enjoy, in accordance with domestic law and subject to the relevant international obligations of the State in which they are present, in particular the following rights:
- (a) The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law;
- (b) The right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence;
- (c) The right to be equal before the courts, tribunals and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;
- (d) The right to choose a spouse, to marry, to found a family;
- (e) The right to freedom of thought, opinion, conscience and religion; the right to manifest their religion or beliefs, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others;
- (f) The right to retain their own language, culture and tradition;
- (g) The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.
- 2. Subject to such restrictions as are prescribed by law and which are necessary in a democratic society to protect national security, public safety, public order, public health or morals or the rights and freedoms of others and which are consistent with the other rights recognized in the relevant international instruments and those set forth in this Declaration, aliens shall enjoy the following rights:
 - (a) The right to leave the country;
 - (b) The right to freedom of expression;
 - (c) The right to peaceful assembly;
- (d) The right to own property alone as well as in association with others, subject to domestic law.

- 3. Subject to the provisions referred to in paragraph 2, aliens lawfully in the territory of a State shall enjoy the right to liberty of movement and freedom to choose their residence within the borders of the State.
- 4. Subject to national legislation and due authorization, the spouse and minor or dependent children of an alien lawfully residing in the territory of a State shall be admitted to accompany, join and stay with the alien.

No alien shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, no alien shall be subjected without his or her free consent to medical or scientific experimentation.

Article 7

An alien lawfully in the territory of a State may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons why he or she should not be expelled and to have the case reviewed by, and be represented for the purpose before, the competent authority or a person or persons specially designated by the competent authority. Individual or collective expulsion of such aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited.

Article 8

- 1. Aliens lawfully residing in the territory of a State shall also enjoy, in accordance with the national laws, the following rights, subject to their obligations under article 4:
- (a) The right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value

without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

- (b) The right to join trade unions and other organizations or associations of their choice and to participate in their activities. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary, in a democratic society, in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (c) The right to health protection, medical care, social security, social services, education, rest and leisure, provided that they fulfil the requirements under the relevant regulations for participation and that undue strain is not placed on the resources of the State.
- 2. With a view to protecting the rights of aliens carrying on lawful paid activities in the country in which they are present, such rights may be specified by the Governments concerned in multilateral or bilateral conventions.

Article 9

No alien shall be arbitrarily deprived of his or her lawfully acquired assets.

Article 10

Any alien shall be free at any time to communicate with the consulate or diplomatic mission of the State of which he or she is a national or, in the absence thereof, with the consulate or diplomatic mission of any other State entrusted with the protection of the interests of the State of which he or she is a national in the State where he or she resides.

International Convention against Apartheid in Sports

10 December 1985

The States Parties to the present Convention,

Recalling the provisions of the Charter of the United Nations, in which all Members pledged themselves to take joint and separate action, in cooperation with the Organization, for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration without distinction of any kind, particularly in regard to race, colour or national origin,

Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, States Parties to that Convention particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in all fields,

Observing that the General Assembly of the United Nations has adopted a number of resolutions condemning the practice of apartheid in sports and has affirmed its unqualified support for the Olympic principle that no discrimination be allowed on the grounds of race, religion or political affiliation and that merit should be the sole criterion for participation in sports activities,

Considering that the International Declaration against Apartheid in Sports, which was adopted by the General Assembly on 14 December 1977, solemnly affirms the necessity for the speedy elimination of apartheid in sports,

Recalling the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid and recognizing, in particular, that participation in sports exchanges with teams selected on the basis of apartheid directly abets and encourages the commission of the crime of apartheid, as defined in that Convention,

Resolved to adopt all necessary measures to eradicate the practice of apartheid in sports and to promote international sports contacts based on the Olympic principle,

Recognizing that sports contact with any country practising apartheid in sports condones and strengthens apartheid in violation of the Olympic principle and thereby becomes the legitimate concern of all Governments,

Desiring to implement the principles embodied in the International Declaration against Apartheid in Sports and to secure the earliest adoption of practical measures to that end,

Convinced that the adoption of an International Convention against Apartheid in Sports would result in more effective measures at the international and national levels, with a view to eliminating apartheid in sports,

Have agreed as follows:

Article 1

For the purposes of the present Convention:

(a) The expression "apartheid" shall mean a system of institutionalized racial segregation and discrimination for the

purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them, such as that pursued by South Africa, and "apartheid in sports" shall mean the application of the policies and practices of such a system in sports activities, whether organized on a professional or an amateur basis;

- (b) The expression "national sports facilities" shall mean any sports facility operated within the framework of a sports programme conducted under the auspices of a national government;
- (c) The expression "Olympic principle" shall mean the principle that no discrimination be allowed on the grounds of race, religion or political affiliation;
- (d) The expression "sports contracts" shall mean any contract concluded for the organization, promotion, performance or derivative rights, including servicing, of any sports activity;
- (e) The expression "sports bodies" shall mean any organization constituted to organize sports activities at the national level, including national Olympic committees, national sports federations or national governing sports committees;
- (f) The expression "team" shall mean a group of sportsmen organized for the purpose of participating in sports activities in competition with other such organized groups;
- (g) The expression "sportsmen" shall mean men and women who participate in sports activities on an individual or team basis, as well as managers, coaches, trainers and other officials whose functions are essential for the operation of a team.

Article 2

States Parties strongly condemn apartheid and undertake to pursue immediately by all appropriate means the policy of eliminating the practice of apartheid in all its forms from sports.

Article 3

States Parties shall not permit sports contact with a country practising apartheid and shall take appropriate action to ensure that their sports bodies, teams, and individual sportsmen do not have such contact.

Article 4

States Parties shall take all possible measures to prevent sports contact with a country practising apartheid and shall ensure that effective means exist for bringing about compliance with such measures.

Article 5

States Parties shall refuse to provide financial or other assistance to enable their sports bodies, teams and individual sportsmen to participate in sports activities in a country practising apartheid or with teams or individual sportsmen selected on the basis of apartheid.

Article 6

Each State Party shall take appropriate action against its sports bodies, teams and individual sportsmen that participate in sports activities in a country practising apartheid or with teams representing a country practising apartheid, which in particular shall include:

- (a) Refusal to provide financial or other assistance for any purpose to such sports bodies, teams and individual sportsmen;
- (b) Restriction of access to national sports facilities by such sports bodies, teams and individual sportsmen;
- (c) Non-enforceability of all sports contracts which involve sports activities in a country practising apartheid or with teams or individual sportsmen selected on the basis of apartheid;
- (d) Denial and withdrawal of national honours or awards in sports to such teams and individual sportsmen;
- (e) Denial of official receptions in honour of such teams or sportsmen.

Article 7

States Parties shall deny visas and/or entry to representatives of sports bodies, teams and individual sportsmen representing a country practising apartheid.

Article 8

States Parties shall take all appropriate action to secure the expulsion of a country practising apartheid from international and regional sports bodies.

Article 9

States Parties shall take all appropriate measures to prevent international sports bodies from imposing financial or other penalties on affiliated bodies which, in accordance with United Nations resolutions, the provisions of the present Convention and the spirit of the Olympic principle, refuse to participate in sports with a country practising apartheid.

Article 10

- 1. States Parties shall use their best endeavours to ensure universal compliance with the Olympic principles of non-discrimination and the provisions of the present Convention.
- 2. Towards this end, States Parties shall prohibit entry into their countries of members of teams and individual sportsmen participating or who have participated in sports competitions in South Africa and shall prohibit entry into their countries of representatives of sports bodies, members of teams and individual sportsmen who invite on their own initiative sports bodies, teams and sportsmen officially representing a country practising apartheid and participating under its flag. States Parties may also prohibit entry of representatives of sports bodies, members of teams or individual sportsmen who maintain sports contacts with sports bodies, teams or sportsmen representing a country practising apartheid and participating under its flag. Prohibition of entry should not violate the regulations of the relevant sports federations which support the elimination of apartheid in sports and shall apply only to participation in sports activities.
- 3. States Parties shall advise their national representatives to international sports federations to take all possible and practical steps to prevent the participation of the sports bodies, teams and sportsmen referred to in paragraph 2 above in international sports competitions and shall, through their representatives in international sports organizations, take every possible measure:

- (a) To ensure the expulsion of South Africa from all federations in which it still holds membership as well as to deny South Africa reinstatement to membership in any federation from which it has been expelled;
- (b) In case of national federations condoning sports exchanges with a country practising apartheid, to impose sanctions against such national federations including, if necessary, expulsion from the relevant international sports organization and exclusion of their representatives from participation in international sports competitions.
- 4. In cases of flagrant violations of the provisions of the present Convention, States Parties shall take appropriate action as they deem fit, including, where necessary, steps aimed at the exclusion of the responsible national sports governing bodies, national sports federations or sportsmen of the countries concerned from international sports competition.
- 5. The provisions of the present article relating specifically to South Africa shall cease to apply when the system of apartheid is abolished in that country.

- 1. There shall be established a Commission against Apartheid in Sports (hereinafter referred to as "the Commission") consisting of fifteen members of high moral character and committed to the struggle against apartheid, particular attention being paid to participation of persons having experience in sports administration, elected by the States Parties from among their nationals, having regard to the most equitable geographical distribution and the representation of the principal legal systems.
- 2. The members of the Commission shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
- 3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 4. Elections of the members of the Commission shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Commission shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 5. The members of the Commission shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Commission.
- 6. For the filling of casual vacancies, the State Party whose national has ceased to function as a member of the Commission shall appoint another person from among its nationals, subject to the approval of the Commission.

7. States Parties shall be responsible for the expenses of the members of the Commission while they are in performance of Commission duties.

Article 12

- 1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Commission, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention within one year of its entry into force and thereafter every two years. The Commission may request further information from the States Parties.
- 2. The Commission shall report annually through the Secretary-General to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and recommendations shall be reported to the General Assembly together with comments, if any, from States Parties concerned.
- 3. The Commission shall examine, in particular, the implementation of the provisions of article 10 of the present Convention and make recommendations on action to be undertaken.
- 4. A meeting of States Parties shall be convened by the Secretary-General at the request of a majority of the States Parties to consider further action with respect to the implementation of the provisions of article 10 of the present Convention. In cases of flagrant violation of the provisions of the present Convention, a meeting of States Parties shall be convened by the Secretary-General at the request of the Commission.

Article 13

- 1. Any State Party may at any time declare that it recognizes the competence of the Commission to receive and examine complaints concerning breaches of the provisions of the present Convention submitted by States Parties which have also made such a declaration. The Commission may decide on the appropriate measures to be taken in respect of breaches.
- 2. States Parties against which a complaint has been made, in accordance with paragraph 1 of the present article, shall be entitled to be represented and take part in the proceedings of the Commission.

Article 14

- 1. The Commission shall meet at least once a year.
- 2. The Commission shall adopt its own rules of procedure.
- 3. The secretariat of the Commission shall be provided by the Secretary-General of the United Nations.
- The meetings of the Commission shall normally be held at United Nations Headquarters.
- 5. The Secretary-General shall convene the initial meeting of the Commission.

Article 15

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 16

1. The present Convention shall be open for signature at United Nations Headquarters by all States until its entry into force.

2. The present Convention shall be subject to ratification, acceptance or approval by the signatory States.

Article 17

The present Convention shall be open for accession by all States.

Article 18

- 1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification, acceptance, approval or accession.
- 2. For each State ratifying, accepting, approving or acceding to the present Convention after its entry into force, the Convention shall enter into force on the thirtieth day after the date of deposit of the relevant instrument.

Article 19

Any dispute between States Parties arising out of the interpretation, application or implementation of the present Convention which is not settled by negotiation shall be brought before the International Court of Justice at the request and with the mutual consent of the States Parties to the dispute, save where the Parties to the dispute have agreed on some other form of settlement.

Article 20

- 1. Any State Party may propose an amendment or revision to the present Convention and file it with the depositary. The Secretary-General of the United Nations shall thereupon communicate the proposed amendment or revision to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment or revision adopted by the majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
- 2. Amendments or revisions shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties, in accordance with their respective constitutional processes.
- 3. When amendments or revisions come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment or revision which they have accepted.

Article 21

A State Party may withdraw from the present Convention by written notification to the depositary. Such withdrawal shall take effect one year after the date of receipt of the notification by the depositary.

Article 22

The present Convention has been concluded in Arabic, Chinese, English, French, Russian and Spanish, all texts being equally authentic.

Declaration on South Africa

12 December 1979

- 1. All States shall recognize the legitimacy of the struggle of the South African people for the elimination of apartheid and the establishment of a non-racial society guaranteeing the enjoyment of equal rights by all the people of South Africa, irrespective of race, colour or creed.
- 2. All States shall recognize the right of the oppressed people of South Africa to choose their means of struggle.
- 3. All States shall solemnly pledge to refrain from overt or covert military intervention in support or defence of the Pretoria regime in its effort to repress the legitimate aspirations and struggle of the African people of South Africa against it in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, or in its threats or acts of aggression against the African States committed to the establishment of a democratic government of South Africa based on the will of the

people as a whole, regardless of race, colour or creed, as the imperative guarantee to lasting peace and security in southern Africa.

- 4. All States shall take firm action to prevent the recruitment, financing, training or passage of mercenaries in support of the apartheid regime of South Africa or the bantustans created by it in South Africa.
- 5. All States shall take appropriate measures to discourage and counteract propaganda in favour of apartheid.
- 6. All States shall respect the desire of African States for the denuclearization of the continent of Africa and refrain from any co-operation with the South African regime in its plans to become a nuclear Power.
- 7. All States shall demonstrate international solidarity with the oppressed people of South Africa and with the independent African States subjected to threats or acts of aggression and subversion by the South African regime.

Declaration on Apartheid and Its Destructive Consequences in Southern Africa

14 December 1989

We, the States Members of the United Nations,

Assembled at the sixteenth special session of the General Assembly, a special session on apartheid and its destructive consequences in southern Africa, guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, in the context of our efforts to establish peace throughout the world by ending all conflicts through negotiations, and desirous of making serious efforts to bring an end to the unacceptable situation prevailing in southern Africa, which is a result of the policies and practices of apartheid, through negotiations based on the principle of justice and peace for all:

Reaffirming our conviction, which history confirms, that where colonial and racial domination or apartheid exist, there can be neither peace nor justice,

Reiterating, accordingly, that while the apartheid system in South Africa persists, the peoples of Africa as a whole cannot achieve the fundamental objectives of justice, human dignity and peace which are both crucial in themselves and fundamental to the stability and development of the continent,

Recognizing that, with regard to southern Africa, the entire world is vitally interested that the processes in which that region is involved, leading to the genuine national independence of Namibia and peace in Angola and Mozambique, should succeed in the shortest possible time, and equally recognizing that the world is deeply concerned that destabilization by South Africa of the countries of the region, whether through direct aggression, sponsorship of surrogates, economic subversion or other means, is unacceptable in all its forms and must not occur,

Also recognizing the reality that permanent peace and stability in southern Africa can only be achieved when the system of apartheid in South Africa has been eradicated and South Africa has been transformed into a united, democratic and non-racial country, and therefore reiterating that all the necessary measures should be adopted now to bring a speedy end to the apartheid system in the interest of all the people of southern Africa, the continent and the world at large,

Believing that, as a result of the legitimate struggle of the South African people for the elimination of apartheid, and of international pressure against that system, as well as global efforts to resolve regional conflicts, possibilities exist for further movement towards the resolution of the problems facing the people of South Africa,

Reaffirming the right of all peoples, including the people of South Africa, to determine their own destiny and to work out for themselves the institutions and the system of government under which they will, by general consent, live and work together to build a harmonious society and remaining committed to doing everything possible and necessary to assist the people of South Africa, in such ways as they may, through their genuine representatives, determine to achieve this objective,

Making these commitments because we believe that all people are equal and have equal rights to human dignity and

respect, regardless of colour, race, sex or creed, that all men and women have the right and duty to participate in their own government, as equal members of society, and that no individual or group of individuals has any right to govern others without their democratic consent, and reiterating that the apartheid system violates all these fundamental and universal principles,

Affirming that apartheid, characterized as a crime against the conscience and dignity of mankind, is responsible for the death of countless numbers of people in South Africa, has sought to dehumanize entire peoples and has imposed a brutal war on the region of southern Africa, which has resulted in untold loss of life, destruction of property and massive displacement of innocent men, women and children and which is a scourge and affront to humanity that must be fought and eradicated in its totality,

Therefore we support and continue to support all those in South Africa who pursue this noble objective. We believe this to be our duty, carried out in the interest of all humanity,

While extending this support to those who strive for a non-racial and democratic society in South Africa, a point on which no compromise is possible, we have repeatedly expressed our objective of a solution arrived at by peaceful means: we note that the people of South Africa, and their liberation movements who felt compelled to take up arms, have also upheld their preference for this position for many decades and continue to do so,

Welcoming the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the question of South Africa, adopted at Harare on 21 August 1989, and subsequently endorsed by the Heads of State or Government of Non-Aligned Countries at their Ninth Conference, held at Belgrade from 4 to 7 September 1989, as a reaffirmation of readiness to resolve the problems of South Africa through negotiations. The Declaration is consistent with the positions contained in the Lusaka Manifesto of two decades ago, in particular regarding the preference of the African people for peaceful change, and takes into account the changes that have taken place in southern Africa since then. The Declaration constitutes a new challenge to the Pretoria regime to join in the noble efforts to end the apartheid system, an objective to which the United Nations has always been committed,

Noting with appreciation that the Commonwealth Heads of Government, at their meeting held at Kuala Lumpur from 18 to 24 October 1989, noted with satisfaction the strong preference for the path of negotiated and peaceful settlement inherent in the Declaration adopted at Harare on 21 August 1989, and considered what further steps they might take to advance the prospects for negotiations,

Also noting with appreciation that the Third Francophone Conference of Heads of State and Government, held at Dakar from 24 to 26 May 1989, likewise called for negotiations between Pretoria and representatives of the majority of the

people with a view to the establishment of a democratic and egalitarian system in South Africa,

Consequently, we shall continue to do everything in our power to increase support for the legitimate struggle of the South African people, including maintaining international pressure against the system of apartheid until that system is ended and South Africa is transformed into a united, democratic and non-racial country, with justice and security for all its citizens,

In keeping with this solemn resolve, and responding directly to the wishes of the majority of the people of South Africa, we publicly pledge ourselves to the positions contained hereunder, convinced that their implementation will lead to a speedy end of the apartheid system and heralding the dawn of a new era of peace for all the peoples of Africa, in a continent finally free from racism, white minority rule and colonial domination,

Declare as follows:

- 1. A conjuncture of circumstances exists, which, if there is a demonstrable readiness on the part of the South African regime to engage in negotiations genuinely and seriously, given the repeated expression of the majority of the people of South Africa of their longstanding preference to arrive at a political settlement, could create the possibility to end apartheid through negotiations.
- 2. We would therefore encourage the people of South Africa, as part of their legitimate struggle, to join together to negotiate an end to the apartheid system and agree on all the measures that are necessary to transform their country into a non-racial democracy. We support the position held by the majority of the people of South Africa that these objectives, and not the amendment or reform of the apartheid system, should be the goals of the negotiations.
- 3. We are at one with the people of South Africa that the outcome of such a process should be a new constitutional order determined by them and based on the Charter of the United Nations and the Universal Declaration of Human Rights. We therefore hold the following fundamental principles to be of importance:
- (a) South Africa shall become a united, non-racial and democratic State;
- (b) All its people shall enjoy common and equal citizenship and nationality, regardless of race, colour, sex or creed;
- (c) All its people shall have the right to participate in the government and administration of the country on the basis of universal, equal suffrage, under a non-racial voters' roll, and by secret ballot, in a united and non-fragmented South Africa;
- (d) All shall have the right to form and join any political party of their choice, provided that this is not in furtherance of racism:
- (e) All shall enjoy universally recognized human rights, freedoms and civil liberties, protected under an entrenched bill of rights;
- (f) South Africa shall have a legal system that will guarantee equality of all before the law;
- (g) South Africa shall have an independent and non-racial judiciary;
- (h) There shall be created an economic order that will promote and advance the well-being of all South Africans;
- (i) A democratic South Africa shall respect the rights, sovereignty and territorial integrity of all countries and pursue

a policy of peace, friendship and mutually beneficial co-operation with all peoples.

4. We believe that acceptance of these fundamental principles could constitute the basis for an internationally acceptable solution that will enable South Africa to take its rightful place as an equal partner among the world community of nations.

A. Climate for negotiations

- 5. We believe that it is essential that the necessary climate be created for negotiations. There is an urgent need to respond positively to this universally acclaimed demand and thus create this climate.
- 6. Accordingly, the present South African regime should, at the least:
- (a) Release all political prisoners and detainees unconditionally and refrain from imposing any restrictions on them;
- (b) Lift all bans and restrictions on all proscribed and restricted organizations and persons;
 - (c) Remove all troops from the townships;
- (d) End the state of emergency and repeal all legislation, such as the Internal Security Act, designed to circumscribe political activity;
 - (e) Cease all political trials and political executions.
- 7. These measures would help create the necessary climate in which free political discussion can take place an essential condition to ensure that the people themselves participate in the process of remaking their country.

B. Guidelines to the process of negotiations

- 8. We are of the view that the parties concerned should, in the context of the necessary climate, negotiate the future of their country and its people in good faith and in an atmosphere which, by mutual agreement between the liberation movements and the South African regime, would be free of violence. The process could commence along the following guidelines:
- (a) Agreement on the mechanism for the drawing up of a new constitution, based on, among others, the principles enunciated above, and the basis for its adoption;
- (b) Agreement on the role to be played by the international community in ensuring a successful transition to a democratic order;
- (c) Agreed transitional arrangements and modalities for the process of the drawing up and adoption of a new constitution, and for the transition to a democratic order, including the holding of elections.

C. Programme of action

- 9. In pursuance of the objectives stated in this Declaration, we hereby decide:
- (a) To remain seized of the issue of a political resolution of the South African question;
- (b) To step up all-round support for the opponents of apartheid and to campaign internationally in pursuance of this objective;
- (c) To use concerted and effective measures, including the full observance by all countries of the mandatory arms embargo, aimed at applying pressure to ensure a speedy end to apartheid;
- (d) To ensure that the international community does not relax existing measures aimed at encouraging the South African

regime to eradicate apartheid until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration;

- (e) To render all possible assistance to the front-line and neighbouring States to enable them: to rebuild their economies, which have been adversely affected by South Africa's acts of aggression and destabilization; to withstand any further such acts; and to continue to support the peoples of Namibia and South Africa;
- (f) To extend such assistance to the Governments of Angola and Mozambique as they may request in order to secure peace for their peoples, and to encourage and support peace
- initiatives undertaken by the Governments of Angola and Mozambique aimed at bringing about peace and normalization of life in their countries;
- (g) The new South Africa shall, upon adoption of the new constitution, participate fully in relevant organs and specialized agencies of the United Nations.
- 10. We request the Secretary-General to transmit copies of the present Declaration to the South African Government and the representatives of the oppressed people of South Africa and also request the Secretary-General to prepare a report and submit it to the General Assembly by 1 July 1990 on the progress made in the implementation of the present Declaration.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

18 December 1990

PREAMBLE

The States Parties to the present Convention,

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Taking into account also the principles and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organisation, especially the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No. 151), the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning Abolition of Forced Labour (No. 105),

Reaffirming the importance of the principles contained in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

Recalling that one of the objectives of the International Labour Organisation, as stated in its Constitution, is the protection of the interests of workers when employed in countries other than their own, and bearing in mind the expertise and experience of that organization in matters related to migrant workers and members of their families,

Recognizing the importance of the work done in connection with migrant workers and members of their families in various organs of the United Nations, in particular in the Commission on Human Rights and the Commission for Social Development, and in the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as in other international organizations,

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families, as well as the importance and usefulness of bilateral and multilateral agreements in this field,

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community,

Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families,

Considering the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they may encounter arising from their presence in the State of employment,

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection,

Taking into account the fact that migration is often the cause of serious problems for the members of the families of migrant workers as well as for the workers themselves, in particular because of the scattering of the family,

Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights,

Considering that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Considering also that recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,

Convinced, therefore, of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally,

Have agreed as follows:

PART I SCOPE AND DEFINITIONS

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

Article 2

For the purposes of the present Convention:

- 1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.
- 2. (a) The term "frontier worker" refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;
- (b) The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;
- (c) The term "seafarer", which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;
- (d) The term "worker on an offshore installation" refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national:
- (e) The term "itinerant worker" refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation;
- (f) The term "project-tied worker" refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;
- (g) The term "specified-employment worker" refers to a migrant worker:
 - (i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or
 - (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or
 - (iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief;

and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work;

(h) The term "self-employed worker" refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

Article 3

The present Convention shall not apply to:

- (a) Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions;
- (b) Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers;
- (c) Persons taking up residence in a State different from their State of origin as investors;
- (d) Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned;
 - (e) Students and trainees;
- (f) Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

Article 4

For the purposes of the present Convention the term "members of the family" refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

Article 5

For the purposes of the present Convention, migrant workers and members of their families;

- (a) Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party;
- (b) Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

Article 6

For the purposes of the present Convention:

- (a) The term "State of origin" means the State of which the person concerned is a national;
- (b) The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;
- (c) The term "State of transit" means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

PART II NON-DISCRIMINATION WITH RESPECT TO RIGHTS

Article 7

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

PART III HUMAN RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Article 8

- 1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention.
- Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

Article 9

The right to life of migrant workers and members of their families shall be protected by law.

Article 10

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 11

- 1. No migrant worker or member of his or her family shall be held in slavery or servitude.
- 2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
- 3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.
- 4. For the purpose of the present article the term "forced or compulsory labour" shall not include:
- (a) Any work or service not referred to in paragraph 3 of the present article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention;
- (b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

Article 12

- 1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.
- 2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.
- 3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.
- 4. States Parties to the present Convention undertak to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 13

- 1. Migrant workers and members of their families shall have the right to hold opinions without interference.
- 2. Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice.
- 3. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputation of others;
- (b) For the protection of the national security of the States concerned or of public order (*ordre public*) or of public health or morals;
 - (c) For the purpose of preventing any propaganda for war;
- (d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Article 14

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

- 1. Migrant workers and members of their families shall have the right to liberty and security of person.
- 2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.
- 3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law.
- 4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.
- 5. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them.
- 6. Migrant workers and members of their families who are arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that while awaiting trial they shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for the execution of the judgement.
- 7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner:
- (a) The consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefor;
- (b) The person concerned shall have the right to communicate with the said authorities. Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay;
- (c) The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation.
- 8. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used.
- 9. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation.

- 1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.
- 2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
- 3. Any migrant worker or member of his or her family who is detained in a State of transit or in a State of employment for violation of provisions relating to migration shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial.
- 4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.
- 5. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families.
- 6. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children.
- 7. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.
- 8. If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.

- Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.
- 3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:
- (a) To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;
- (b) To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing;
 - (c) To be tried without undue delay;

- (d) To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay;
- (e) To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them:
- (f) To have the free assistance of an interpreter if they cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against themselves or to confess guilt.
- 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
- 5. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.
- 6. When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to that person.
- 7. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.

- 1. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby.
- 2. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family.

Article 20

- 1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation.
- 2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

Article 21

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

Article 22

- Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.
- Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law.
- 3. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered.
- 4. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion.
- 5. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned.
- 6. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities.
- 7. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin.
- 8. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs.
- 9. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

Article 23

Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right.

Article 24

Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

Article 25

- 1. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:
- (a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms:
- (b) Other terms of employment, that is to say, minimum age of employment, restriction on home work and any other matters which, according to national law and practice, are considered a term of employment.
- 2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.
- 3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.

Article 26

- 1. States Parties recognize the right of migrant workers and members of their families:
- (a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;
- (b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;
- (c) To seek the aid and assistance of any trade union and of any such association as aforesaid.
- 2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 27

1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of

employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.

2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances.

Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

Article 29

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

Article 31

- States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin.
- 2. States Parties may take appropriate measures to assist and encourage efforts in this respect.

Article 32

Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

- 1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:
 - (a) Their rights arising out of the present Convention;
- (b) The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.
- 2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.

3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

Article 34

Nothing in the present part of the Convention shall have the effect of relieving migrant workers and the members of their families from either the obligation to comply with the laws and regulations of any State of transit and the State of employment or the obligation to respect the cultural identity of the inhabitants of such States.

Article 35

Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable conditions for international migration as provided in part VI of the present Convention.

PART IV

OTHER RIGHTS OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES WHO ARE DOCUMENTED OR IN A REGULAR SITUATION

Article 36

Migrant workers and members of their families who are documented or in a regular situation in the State of employment shall enjoy the rights set forth in the present part of the Convention in addition to those set forth in part III.

Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

Article 38

- 1. States of employment shall make every effort to authorize migrant workers and members of their families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.
- Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized.

Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.

2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 40

- 1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.
- 2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 41

- 1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
- 2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

Article 42

- 1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.
- States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.
- 3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

- 1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:
- (a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned;
 - (b) Access to vocational guidance and placement services;
- (c) Access to vocational training and retraining facilities and institutions;
- (d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents;
- (e) Access to social and health services, provided that the requirements for participation in the respective schemes are met;
- (f) Access to co-operatives and self-ma:naged enterprises, which shall not imply a change of their migration status and shall be subject to the rules and regulations of the bodies concerned;
 - (g) Access to and participation in cultural life.

- 2. States Parties shall promote conditions to ensure effective equality of treatment to enable migrant workers to enjoy the rights mentioned in paragraph 1 of the present article whenever the terms of their stay, as authorized by the State of employment, meet the appropriate requirements.
- 3. States of employment shall not prevent an employer of migrant workers from establishing housing or social or cultural facilities for them. Subject to article 70 of the present Convention, a State of employment may make the establishment of such facilities subject to the requirements generally applied in that State concerning their installation.

- 1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.
- 2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.
- 3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of the present article, to other family members of migrant workers.

Article 45

- 1. Members of the families of migrant workers shall, interest the State of employment, enjoy equality of treatment with nationals of that State in relation to:
- (a) Access to educational institutions and services, subject to the admission requirements and other regulations of the institutions and services concerned;
- (b) Access to vocational guidance and training institutions and services, provided that requirements for participation are met:
- (c) Access to social and health services, provided that requirements for participation in the respective schemes are met;
 - (d) Access to and participation in cultural life.
- 2. States of employment shall putsue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.
- 3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.
- 4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary in collaboration with the States of origin.

Article 46

Migrant workers and members of their families shall, subject to the applicable legislation of the States concerned, as well as relevant international agreements and the obligations of the States concerned arising out of their participation in customs

unions, enjoy exemption from import and export duties and taxes in respect of their personal and household effects as well as the equipment necessary to engage in the remunerated activity for which they were admitted to the State of employment:

- (a) Upon departure from the State of origin or State of habitual residence;
 - (b) Upon initial admission to the State of employment;
 - (c) Upon final departure from the State of employment;
- (d) Upon final return to the State of origin or State of habitual residence.

Article 47

- 1. Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned and in conformity with applicable international agreements.
- 2. States concerned shall take appropriate measures to facilitate such transfers.

Article 48

- 1. Without prejudice to applicable double taxation agreements, migrant workers and members of their families shall, in the matter of earnings in the State of employment:
- (a) Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances;
- (b) Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax allowances for dependent members of their families.
- 2. States Parties shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

Article 49

- 1. Where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.
- 2. Migrant workers who in the State of employment are allowed freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorizations.
- 3. In order to allow migrant workers referred to in paragraph 2 of the present article sufficient time to find alternative remunerated activities, the authorization of residence shall not be withdrawn at least for a period corresponding to that during which they may be entitled to unemployment benefits.

Article 50

1. In the case of death of a migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the

State of employment shall take into account the length of time they have already resided in that State.

- 2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.
- 3. The provisions of paragraphs 1 and 2 of the present article may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by bilateral and multilateral treaties applicable to that State.

Article 51

Migrant workers who in the State of employment are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Such migrant workers shall have the right to seek alternative employment, participation in public work schemes and retraining during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work.

Article 52

- 1. Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions.
 - 2. For any migrant worker a State of employment may:
- (a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation;
- (b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications.
- 3. For migrant workers whose permission to work is limited in time, a State of employment may also:
- (a) Make the right freely to choose their remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed two years:
- (b) Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years.
- 4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account. Account shall be taken of the period during which the worker has already been lawfully in the State of employment.

Article 53

- 1. Members of a migrant worker's family who have themselves an authorization of residence or admission that is without limit of time or is automatically renewable shall be permitted freely to choose their remunerated activity under the same conditions as are applicable to the said migrant worker in accordance with article 52 of the present Convention.
- 2. With respect to members of a migrant worker's family who are not permitted freely to choose their remunerated activity, States Parties shall consider favourably granting them priority in obtaining permission to engage in a remunerated activity over other workers who seek admission to the State of employment, subject to applicable bilateral and multilateral agreements.

Article 54

- 1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:
 - (a) Protection against dismissal;
 - (b) Unemployment benefits;
- (c) Access to public work schemes intended to combat unemployment;
- (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.
- 2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present Convention.

Article 55

Migrant workers who have been granted permission to engage in a remunerated activity, subject to the conditions attached to such permission, shall be entitled to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity.

- 1. Migrant workers and members of their families referred to in the present part of the Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in part III.
- 2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.
- 3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

PART V PROVISIONS APPLICABLE TO PARTICULAR CATEGORIES OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Article 57

The particular categories of migrant workers and members of their families specified in the present part of the Convention who are documented or in a regular situation shall enjoy the rights set forth in part III and, except as modified below, the rights set forth in part IV.

Article 58

- 1. Frontier workers, as defined in article 2, paragraph 2 (a), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment, taking into account that they do not have their habitual residence in that State.
- 2. States of employment shall consider favourably granting frontier workers the right freely to choose their remunerated activity after a specified period of time. The granting of that right shall not affect their status as frontier workers.

Article 59

- 1. Seasonal workers, as defined in article 2, paragraph 2 (b), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status in that State as seasonal workers, taking into account the fact that they are present in that State for only part of the year.
- 2. The State of employment shall, subject to paragraph 1 of the present article, consider granting seasonal workers who have been employed in its territory for a significant period of time the possibility of taking up other remunerated activities and giving them priority over other workers who seek admission to that State, subject to applicable bilateral and multilateral agreements.

Article 60

Itinerant workers, as defined in article 2, paragraph 2 (e), of the present Convention, shall be entitled to the rights provided for in part IV that can be granted to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status as itinerant workers in that State.

Article 61

- 1. Project-tied workers, as defined in article 2, paragraph 2 (f), of the present Convention, and members of their families shall be entitled to the rights provided for in part IV except the provisions of article 43, paragraph 1 (b) and (c), article 43, paragraph 1 (d), as it pertains to social housing schemes, article 45, paragraph 1 (b), and articles 52 to 55.
- 2. If a project-tied worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State which has jurisdiction over that employer, on terms provided for in article 18, paragraph 1, of the present Convention.

- 3. Subject to bilateral or multilateral agreements in force for them, the States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or habitual residence during their engagement in the project. States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplication of payments in this respect.
- 4. Without prejudice to the provisions of article 47 of the present Convention and to relevant bilateral or multilateral agreements, States Parties concerned shall permit payment of the earnings of project-tied workers in their State of origin or habitual residence.

Article 62

- 1. Specified-employment workers as defined in article 2, paragraph 2 (g), of the present Convention, shall be entitled to the rights provided for in part IV, except the provisions of article 43, paragraphs 1 (b) and (c), article 43, paragraph 1 (d), as it pertains to social housing schemes, article 52, and article 54, paragraph 1 (d).
- 2. Members of the families of specified-employment workers shall be entitled to the rights relating to family members of migrant workers provided for in part IV of the present Convention, except the provisions of article 53.

Article 63

- 1. Self-employed workers, as defined in article 2, paragraph 2 (h), of the present Convention, shall be entitled to the rights provided for in part IV with the exception of those rights which are exclusively applicable to workers having a contract of employment.
- 2. Without prejudice to articles 52 and 79 of the present Convention, the termination of the economic activity of the self-employed workers shall not in itself imply the withdrawal of the authorization for them or for the members of their families to stay or to engage in a remunerated activity in the State of employment except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted.

PART VI

PROMOTION OF SOUND, EQUITABLE, HUMANE AND LAWFUL CONDITIONS IN CONNECTION WITH INTERNATIONAL MIGRATION OF WORKERS AND MEMBERS OF THEIR FAMILIES

Article 64

- 1. Without prejudice to article 79 of the present Convention, the States Parties concerned shall as appropriate consult and co-operate with a view to promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families.
- 2. In this respect, due regard shall be paid not only to labour needs and resources, but also to the social, economic, cultural and other needs of migrant workers and members of their families involved, as well as to the consequences of such migration for the communities concerned.

Article 65

1. States Parties shall maintain appropriate services to deal with questions concerning international migration of work-

ers and members of their families. Their functions shall include, inter alia:

- (a) The formulation and implementation of policies regarding such migration;
- (b) An exchange of information, consultation and cooperation with the competent authorities of other States Parties involved in such migration;
- (c) The provision of appropriate information, particularly to employers, workers and their organizations on policies, laws and regulations relating to migration and employment, on agreements concluded with other States concerning migration and on other relevant matters;
- (d) The provision of information and appropriate assistance to migrant workers and members of their families regarding requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations.
- 2. States Parties shall facilitate as appropriate the provision of adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families.

Article 66

- 1. Subject to paragraph 2 of the present article, the right to undertake operations with a view to the recruitment of workers for employment in another State shall be restricted to:
- (a) Public services or bodies of the State in which such operations take place;
- (b) Public services or bodies of the State of employment on the basis of agreement between the States concerned;
- (c) A body established by virtue of a bilateral or multilateral agreement.
- 2. Subject to any authorization, approval and supervision by the public authorities of the States Parties concerned as may be established pursuant to the legislation and practice of those States, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations.

Article 67

- 1. States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.
- 2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.

Article 68

1. States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an

irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

- (a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration;
- (b) Measures to detect and eradicate illegal or clandestine, movements of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, operate or assist in organizing or operating such movements;
- (c) Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families in an irregular situation.
- 2. States of employment shall take all adequate and effective measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers *vis-à-vis* their employer arising from employment shall not be impaired by these measures.

Article 69

- 1. States Parties shall, when there are migrant workers and members of their families within their territory in an irregular situation, take appropriate measures to ensure that such a situation does not persist.
- 2. Whenever States Parties concerned consider the possibility of regularizing the situation of such persons in accordance with applicable national legislation and bilateral or multilateral agreements, appropriate account shall be taken of the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation.

Article 70

States Parties shall take measures not less favourable than those applied to nationals to ensure that working and living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity.

Article 71

- 1. States Parties shall facilitate, whenever necessary, the repatriation to the State of origin of the bodies of deceased migrant workers or members of their families.
- 2. As regards compensation matters relating to the death of a migrant worker or a member of his or her family, States Parties shall, as appropriate, provide assistance to the persons concerned with a view to the prompt settlement of such matters. Settlement of these matters shall be carried out on the basis of applicable national law in accordance with the provisions of the present Convention and any relevant bilateral or multilateral agreements.

PART VII APPLICATION OF THE CONVENTION

Article 72

1. (a) For the purpose of reviewing the application of the present Convention, there shall be established a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee");

- (b) The Committee shall consist, at the time of entry into force of the present Convention, of ten and, after the entry into force of the Convention for the forty-first State Party, of four-teen experts of high moral standing, impartiality and recognized competence in the field covered by the Convention.
- 2. (a) Members of the Committee shall be elected by secret ballot by the States Parties from a list of persons nominated by the States Parties, due consideration being given to equitable geographical distribution, including both States of origin and States of employment, and to the representation of the principal legal systems. Each State Party may nominate one person from among its own nationals;
- (b) Members shall be elected and shall serve in their personal capacity.
- 3. The initial election shall be held no later than six months after the date of the entry into force of the present Convention and subsequent elections every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to all States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties that have nominated them, and shall submit it to the States Parties not later than one month before the date of the corresponding election, together with the curricula vitae of the persons thus nominated.
- 4. Elections of members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the States Parties present and voting.
- 5. (a) The members of the Committee shall serve for a term of four years. However, the terms of five of the members elected in the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting of States Parties;
- (b) The election of the four additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of the present article, following the entry into force of the Convention for the forty-first State Party. The term of two of the additional members elected on this occasion shall expire at the end of two years; the names of these members shall be chosen by lot by the Chairman of the meeting of States Parties;
- (c) The members of the Committee shall be eligible for re-election if renominated.
- 6. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party that nominated the expert shall appoint another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.
- 7. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee.

- 8. The members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide.
- The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

- 1. States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the present Convention:
- (a) Within one year after the entry into force of the Convention for the State Party concerned;
- (b) Thereafter every five years and whenever the Committee so requests.
- Reports prepared under the present article shall also indicate factors and difficulties, if any, affecting the implementation of the Convention and shall include information on the characteristics of migration flows in which the State Party concerned is involved.
- The Committee shall decide any further guidelines applicable to the content of the reports.
- 4. States Parties shall make their reports widely available to the public in their own countries.

- 1. The Committee shall examine the reports submitted by each State Party and shall transmit such comments as it may consider appropriate to the State Party concerned. This State Party may submit to the Committee observations on any comment made by the Committee in accordance with the present article. The Committee may request supplementary information from States Parties when considering these reports.
- 2. The Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States Parties concerned and information relevant to the consideration of these reports, in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the present Convention that fall within the sphere of competence of the International Labour Organisation. The Committee shall consider in its deliberations such comments and materials as the Office may provide.
- 3. The Secretary-General of the United Nations may also, after consultation with the Committee, transmit to other specialized agencies as well as to intergovernmental organizations, copies of such parts of these reports as may fall within their competence.
- 4. The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit, for consideration by the Committee, written information on such matters dealt with in the present Convention as fall within the scope of their activities.

- 5. The International Labour Office shall be invited by the Committee to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.
- 6. The Committee may invite representatives of other specialized agencies and organs of the United Nations, as well as of intergovernmental organizations, to be present and to be heard in its meetings whenever matters falling within their field of competence are considered.
- 7. The Committee shall present an annual report to the General Assembly of the United Nations on the implementation of the present Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States Parties.
- 8. The Secretary-General of the United Nations shall transmit the annual reports of the Committee to the States Parties to the present Convention, the Economic and Social Council, the Commission on Human Rights of the United Nations, the Director-General of the International Labour Office and other relevant organizations.

- 1. The Committee shall adopt its own rules of procedure.
- 2. The Committee shall elect its officers for a term of two years.
 - 3. The Committee shall normally meet annually.
- 4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 76

- 1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Convention. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
- (a) If a State Party to the present Convention considers that another State Party is not fulfilling its obligations under the present Convention, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity

- with the generally recognized principles of international law. This shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged;
- (d) Subject to the provisions of subparagraph (c) of the present paragraph, the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the present Convention;
- (e) The Committee shall hold closed meetings when examining communications under the present article;
- (f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
- (g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
- (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:
 - (i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of the present article shall come into force when ten States Parties to the present Convention have made a declaration under paragraph 1 of the present article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 77

1. A State Party to the present Convention may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.

- 2. The Committee shall consider inadmissible any communication under the present article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the present Convention.
- 3. The Committee shall not consider any communication from an individual under the present article unless it has ascertained that:
- (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
- (b) The individual has exhausted all available domestic remedies; this shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to that individual.
- 4. Subject to the provisions of paragraph 2 of the present article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
- 5. The Committee shall consider communications received under the present article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
- 6. The Committee shall hold closed meetings when examining communications under the present article.
- 7. The Committee shall forward its views to the State Party concerned and to the individual.
- 8. The provisions of the present article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of the present article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by or on behalf of an individual shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

The provisions of article 76 of the present Convention shall be applied without prejudice to any procedures for settling disputes or complaints in the field covered by the present Convention laid down in the constituent instruments of, or in conventions adopted by, the United Nations and the specialized agencies and shall not prevent the States Parties from having recourse to any procedures for settling a dispute in accordance with international agreements in force between them.

PART VIII GENERAL PROVISIONS

Article 79

Nothing in the present Convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families. Concerning other matters related to their legal situation and treatment as migrant workers and members of their families, States Parties shall be subject to the limitations set forth in the present Convention.

Article 80

Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

Article 81

- 1. Nothing in the present Convention shall affect more favourable rights or freedoms granted to migrant workers and members of their families by virtue of:
 - (a) The law or practice of a State Party; or
- (b) Any bilateral or multilateral treaty in force for the State Party concerned.
- 2. Nothing in the present Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act that would impair any of the rights and freedoms as set forth in the present Convention.

Article 82

The rights of migrant workers and members of their families provided for in the present Convention may not be renounced. It shall not be permissible to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. It shall not be possible to derogate by contract from rights recognized in the present Convention. States Parties shall take appropriate measures to ensure that these principles are respected.

Article 83

Each State Party to the present Convention undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person seeking such a remedy shall have his or her claim reviewed and decided by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 84

Each State Party undertakes to adopt the legislative and other measures that are necessary to implement the provisions of the present Convention.

PART IX FINAL PROVISIONS

Article 85

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 86

- 1. The present Convention shall be open for signature by all States. It is subject to ratification.
- 2. The present Convention shall be open to accession by any State.
- 3. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 87

- 1. The present Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the present Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

Article 88

A State ratifying or acceding to the present Convention may not exclude the application of any part of it, or, without prejudice to article 3, exclude any particular category of migrant workers from its application.

Article 89

- 1. Any State Party may denounce the present Convention, not earlier than five years after the Convention has entered into force for the State concerned, by means of a notification in writing addressed to the Secretary-General of the United Nations.
- 2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of the receipt of the notification by the Secretary-General of the United Nations.
- 3. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
- 4. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 90

1. After five years from the entry into force of the Convention a request for the revision of the Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request

that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting shall be submitted to the General Assembly for approval.

- 2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties in accordance with their respective constitutional processes.
- 3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.

Article 91

- 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of signature, ratification or accession.
- 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 92

- 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.
- 3. Any State Party that has made a declaration in accordance with paragraph 2 of the present article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.

Article 93

- 1. The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

18 December 1992

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultura! Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities.

Recognizing the need to ensure even more effective implementation of international human rights instruments with re-

gard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

- 1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
- States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

- 1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
- 2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
- 3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
- 4. Persons belonging to minorities have the right to establish and maintain their own associations.
- 5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

- 1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.
- 2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

- 1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
- States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion,

traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

- 3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
- 4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
- 5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

- 1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
- 2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, *inter alia*, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8

- 1. Nothing in the present Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
- 2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
- 3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not *prima facie* be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
- 4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.

Economic and development issues

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Declaration on the Granting of Independence to Colonial Countries and Peoples

14 December 1960

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations.

Convinced that the continued existence of colonialism prevents the development of international economic cooperation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence, Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

- 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
- All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
- 4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
- 5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
- 6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
- 7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

Declaration on Social Progress and Development

11 December 1969

The General Assembly.

Mindful of the pledge of Members of the United Nations under the Charter to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment, and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person, and of social justice proclaimed in the Charter.

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, the Declaration on the Elimination of Discrimination against Women and of resolutions of the United Nations,

Bearing in mind the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and of other organizations concerned,

Convinced that man can achieve complete fulfilment of his aspirations only within a just social order and that it is consequently of cardinal importance to accelerate social and economic progress everywhere, thus contributing to international peace and solidarity,

Convinced that international peace and security on the one hand, and social progress and economic development on the other, are closely interdependent and influence each other,

Persuaded that social development can be promoted by peaceful coexistence, friendly relations and co-operation among States with different social, economic or political systems,

Emphasizing the interdependence of economic and social development in the wider process of growth and change, as well as the importance of a strategy of integrated development which takes full account at all stages of its social aspects.

Regretting the inadequate progress achieved in the world social situation despite the efforts of States and the international community,

Recognizing that the primary responsibility for the development of the developing countries rests on those countries themselves and acknowledging the pressing need to narrow and eventually close the gap in the standards of living between economically more advanced and developing countries and, to that end, that Member States shall have the responsibility to pursue internal and external policies designed to promote social

development throughout the world, and in particular to assist developing countries to accelerate their economic growth,

Recognizing the urgency of devoting to works of peace and social progress resources being expended on armaments and wasted on conflict and destruction,

Conscious of the contribution that science and technology can render towards meeting the needs common to all humanity,

Believing that the primary task of all States and international organizations is to eliminate from the life of society all evils and obstacles to social progress, particularly such evils as inequality, exploitation, war, colonialism and racism,

Desirous of promoting the progress of all mankind towards these goals and of overcoming all obstacles to their realization,

Solemnly proclaims this Declaration on Social Progress and Development and calls for national and international action for its use as a common basis for social development policies:

PART I

PRINCIPLES

Article I

All peoples and all human beings without distinction as to race, colour, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it.

Article 2

Social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice, which requires:

- (a) The immediate and final elimination of all forms of inequality, exploitation of peoples and individuats, colonialism and racism, including nazism and apartheid and all other policies and ideologies opposed to the purposes and principles of the United Nations;
- (b) The recognition and effective implementation of civil and political rights as well as of economic, social and cultural rights without any discrimination.

Article 3

The following are considered primary conditions of social progress and development:

- (a) National independence based on the right of peoples to self-determination;
- (b) The principle of non-interference in the internal affairs of States;
- (c) Respect for the sovereignty and territorial integrity of States;
- (d) Permanent sovereignty of each nation over its natural wealth and resources;
- (e) The right and responsibility of each State and, as far as they are concerned, each nation and people to determine freely its own objectives of social development, to set its own

priorities and to decide in conformity with the principles of the Charter of the United Nations the means and methods of their achievement without any external interference:

(f) Peaceful coexistence, peace, friendly relations and cooperation among States irrespective of differences in their social, economic or political systems.

Article 4

The family as a basic unit of society and the natural environment for the growth and well-being of all its members, particularly children and youth, should be assisted and protected so that it may fully assume its responsibilities within the community. Parents have the exclusive right to determine freely and responsibly the number and spacing of their children.

Article 5

Social progress and development require the full utilization of human resources, including, in particular:

- (a) The encouragement of creative initiative under conditions of enlightened public opinion;
- (b) The dissemination of national and international information for the purpose of making individuals aware of changes occurring in society as a whole;
- (c) The active participation of all elements of society, individually or through associations, in defining and in achieving the common goals of development with full respect for the fundamental freedoms embodied in the Universal Declaration of Human Rights;
- (d) The assurance to disadvantaged or marginal sectors of the population of equal opportunities for social and economic advancement in order to achieve an effectively integrated society.

Article 6

Social development requires the assurance to everyone of the right to work and the free choice of employment.

Social progress and development require the participation of all members of society in productive and socially useful labour and the establishment, in conformity with human rights and fundamental freedoms and with the principles of justice and the social function of property, of forms of ownership of land and of the means of production which preclude any kind of exploitation of man, ensure equal rights to property for all and create conditions leading to genuine equality among people.

Article 7

The rapid expansion of national income and wealth and their equitable distribution among all members of society are fundamental to all social progress, and they should therefore be in the forefront of the preoccupations of every State and Government.

The improvement in the position of the developing countries in international trade resulting, among other things, from the achievement of favourable terms of trade and of equitable and remunerative prices at which developing countries market their products is necessary in order to make it possible to increase national income and in order to advance social development.

Article 8

Each Government has the primary role and ultimate responsibility of ensuring the social progress and well-being of its people, of planning social development measures as part of comprehensive development plans, of encouraging and coordinating or integrating all national efforts towards this end and of introducing necessary changes in the social structure. In planning social development measures, the diversity of the needs of developing and developed areas, and of urban and rural areas, within each country, shall be taken into due account.

Article 9

Social progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples.

Social progress and economic growth require recognition of the common interest of all nations in the exploration, conservation, use and exploitation, exclusively for peaceful purposes and in the interests of all mankind, of those areas of the environment such as outer space and the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, in accordance with the purposes and principles of the Charter of the United Nations.

PART II

OBJECTIVES

Social progress and development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with human rights and fundamental freedoms, through the attainment of the following main goals:

- (a) The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment and underemployment, establishment of equitable and favourable conditions of work for all, including the improvement of health and safety conditions; assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum wage to ensure a decent standard of living; the protection of the consumer;
- (b) The elimination of hunger and malnutrition and the guarantee of the right to proper nutrition;
- (c) The elimination of poverty; the assurance of a steady improvement in levels of living and of a just and equitable distribution of income;
- (d) The achievement of the highest standards of health, and the provision of health protection of the entire population, if possible free of charge;
- (e) The eradication of illiteracy and the assurance of the right to universal access to culture, to free compulsory education at the elementary level and to free education at all levels; the raising of the general level of life-long education;
- (f) The provision for all, particularly persons in lowincome groups and large families, of adequate housing and community services.

Social progress and development shall aim equally at the progressive attainment of the following main goals:

Article 11

- (a) The provision of comprehensive social security schemes and social welfare services, the establishment and improvement of social security and insurance schemes for all persons who, because of illness, disability or old age, are temporarily or permanently unable to earn a living, with a view to ensuring a proper standard of living for such persons and for their families and dependents;
- (b) The protection of the rights of the mother and child; concern for the upbringing and health of children; the provision of measures to safeguard the health and welfare of women and particularly of working mothers during pregnancy and the infancy of their children, as well as of mothers whose earnings are the sole source of livelihood for the family; the granting to women of pregnancy and maternity leave and allowances without loss of employment or wages;
- (c) The protection of the rights and the assuring of the welfare of children, the aged and the disabled; the provision of protection for the physically or mentally disadvantaged;
- (d) The education of youth in, and promotion among them of, the ideals of justice and peace, mutual respect and understanding among peoples; the promotion of full participation of youth in the process of national development;
- (e) The provision of social defence measures and the elimination of conditions leading to crime and delinquency, especially juvenile delinquency;
- (f) The guarantee that all individuals, without discrimination of any kind, are made aware of their rights and obligations and receive the necessary aid in the exercise and safeguarding of their rights.

Social progress and development shall further aim at achieving the following main objectives:

Article 12

- (a) The creation of conditions for rapid and sustained social and economic development, particularly in the developing countries; change in international economic relations, new and effective methods of international co-operation in which equality of opportunity should be as much a prerogative of nations as of individuals within a nation
- (b) The elimination of all forms of discrimination and exploitation and all other practices and ideologies contrary to the purposes and principles of the Charter of the United Nations
- (e) The elimination of all forms of foreign economic exploitation, particularly that practised by international monopolies, in order to enable the people of every country to enjoy in full the benefits of their national resources.

Social progress and development shall finally aim at the attainment of the following main goals:

Article 13

(a) Equitable sharing of scientific and technological advances by developed and developing countries, and a steady increase in the use of science and technology for the benefit of the social development of society;

- (b) The establishment of a harmonious balance between scientific, technological and material progress and the intellectual, spiritual, cultural and moral advancement of humanity;
- (c) The protection and improvement of the human environment.

PART III

MEANS AND METHODS

On the basis of the principles set forth in this Declaration, the achievement of the objectives of social progress and development requires the mobilization of the necessary resources by national and international action, with particular attention to such means and methods as:

Article 14

- (a) Planning for social progress and development, as an integrated part of balanced over-all development planning;
- (b) The establishment, where necessary, of national systems for framing and carrying out social policies and programmes, and the promotion by the countries concerned of planned regional development, taking into account differing regional conditions and needs, particularly the development of regions which are less favoured or underdeveloped by comparison with the rest of the country;
- (c) The promotion of basic and applied social research, particularly comparative international research applied to the planning and execution of social development programmes.

Article 15

- (a) The adoption of measures to ensure the effective participation, as appropriate, of all the elements of society in the preparation and execution of national plans and programmes of economic and social development;
- (b) The adoption of measures for an increasing rate of popular participation in the economic, social, cultural and political life of countries through national governmental bodies, non-governmental organizations, cooperatives, rural associations, workers' and employers' organizations and women's and youth organizations, by such methods as national and regional plans for social and economic progress and community development, with a view to achieving a fully integrated national society, accelerating the process of social mobility and consolidating the democratic system;
- (c) Mobilization of public opinion, at both national and international levels, in support of the principles and objectives of social progress and development;
- (d) The dissemination of social information, at the national and at the international level, to make people aware of changing circumstances in society as a whole, and to educate the consumer.

- (a) Maximum mobilization of all national resources and their rational and efficient utilization; promotion of increased and accelerated productive investment in social and economic fields and of employment; orientation of society towards the development process;
- (b) Progressively increasing provision of the necessary budgetary and other resources required for financing the social aspects of development;

- (c) Achievement of equitable distribution of national income, utilizing, *inter alia*, the fiscal system and government spending as an instrument for the equitable distribution and redistribution of income in order to promote social progress:
- (d) Adoption of measures aimed at prevention of such an outflow of capital from developing countries as would be detrimental to their economic and social development.

Article 17

- (a) Adoption of measures to accelerate the process of industrialization, especially in developing countries, with due regard for its social aspects, in the interests of the entire population; development of an adequate organizational and legal framework conducive to an uninterrupted and diversified growth of the industrial sector; measures to overcome the adverse social effects which may result from urban development and industrialization, including automation; maintenance of a proper balance between rural and urban development, and in particular, measures designed to ensure healthier living conditions in large industrial centres;
- (b) Integrated planning to meet the problems of urbanization and urban development;
- (c) Comprehensive rural development schemes to raise the levels of living of the rural populations and to facilitate such urban-rural relationships and population distribution as will promote balanced national development and social progress;
- (d) Measures for appropriate supervision of the utilization of land in the interests of society.

The achievement of the objectives of social progress and development equally requires the implementation of the following means and methods:

Article 18

- (a) Adoption of appropriate legislative, administrative and other measures ensuring to everyone not only political and civil rights but also the full realization of economic, social and cultural rights without any discrimination;
- (b) The promotion of democratically based social and institutional reforms and motivation for change basic to the elimination of all forms of discrimination and exploitation conducive to high rates of economic and social progress, to include land reform, in which the ownership and use of land will be made to serve best the objectives of social justice and economic development;
- (c) The adoption of measures to boost and diversify agricultural production through, *inter alia*, the implementation of democratic agrarian reforms, to ensure an adequate and well-balanced supply of food, its equitable distribution among the whole population and the improvement of nutritional standards;
- (d) The adoption of measures to introduce, with the participation of the Government, low-cost housing programmes in both rural and urban areas;
- (e) Development and expansion of the system of transportation and communications, particularly in developing countries.

Article 19

- (a) The provision of free health services to the whole population and of adequate preventive and curative facilities and welfare medical services accessible to all:
- (b) The enactment and establishment of legislative measures and administrative regulations with a view to the implementation of comprehensive programmes of social security schemes and social welfare services and to the improvement and co-ordination of existing services:
- (c) The adoption of measures and the provision of social welfare services to migrant workers and their families, in conformity with the provisions of the Convention No. 97 of the International Labour Conference and other international instruments relating to migrant workers;
- (d) The institution of appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be useful members of society these measures shall include the provision of treatment and technical appliances, education, vocation and social guidance, training and selective placement, and other assistance required and the creation of social conditions in which the handicapped are not discriminated against because of their disabilities.

Article 20

- (a) The provision of full democratic freedoms to trade unions; freedom of association for all workers, including the right to bargain collectively and to strike, recognition of the right to form other organizations of working people; the provision for the growing participation of trade unions in economic and social development; effective participation of all members of trade unions in the deciding of economic and social issues which affect their interests;
- (b) The improvement of health and safety conditions for workers, by means of appropriate technological and legislative measures and the provision of the material prerequisites for the implementation of those measures, including the limitation of working hours;
- (c) Adoption of appropriate measures for the development of harmonious industrial relations.

Article 21

- (a) The training of national personnel and cadres, including administrative, executive, professional and technical personnel needed for social development and for over-all development plans and policies;
- (b) The adoption of measures to accelerate the extension and improvement of general, vocational and technical education and of training and retraining, which should be provided free at all levels:
- (c) Raising the general level of education; development and expansion of national information media, and their rational and full use towards continuing education of the whole population and towards encouraging its participation in social development activities; the constructive use of leisure, particularly that of children and adolescents
- (d) The formulation of national and international policies and measures to avoid the "brain drain" and obviate its adverse effects.

Article 22

- (a) Development and co-ordination of policies and measures designed to strengthen the essential functions of the family as a basic unit of society:
- (b) The formulation and establishment, as needed, of programmes in the field of population, within the framework of national demographic policies and as part of the welfare medical services, including education, training of personnel and the provision to families of the knowledge and means necessary to enable them to exercise their right to determine freely and responsibly the number and spacing of their children;
- (c) Establishment of appropriate child-care facilities in the interest of children and working parents.

The achievement of the objectives of social progress and development finally requires the implementation of the following means and methods:

Article 23

- (a) The laying down of economic growth rate targets for the developing countries within the United Nations policy for development, high enough to lead to a substantial acceleration of their rates of growth;
- (b) The provision of greater assistance of better terms; the implementation of the aid volume target of a minimum of I per cent of the gross national product at market prices of economically advanced countries; the general easing of the terms of lending to the developing countries through low interest rates on loans and long grace periods for the repayment of loans, and the assurance that the allocation of such loans will be based strictly on socio-economic criteria free of any political considerations;
- (c) The provision of technical, financial and material assistance, both bilateral and multilateral, to the fullest possible extent and on favourable terms, and improved coordination of international assistance for the achievement of the social objectives of national development plans;
- (d) The provision to the developing countries of technical, financial and material assistance and of favourable conditions to facilitate the direct exploitation of their national resources and natural wealth by those countries with a view to enabling the peoples of those countries to benefit fully from their national resources;
- (e) Expansion of international trade based on principles of equality and non-discrimination; the rectification of the position of developing countries in international trade by equitable terms of trade; a general non-reciprocal and non-discriminatory system of preferences for the exports of developing countries to the developed countries, the establishment and implementation of general and comprehensive commodity agreements; and the

financing of reasonable buffer stocks by international institu-

Article 24

- (a) Intensification of international cooperation with a view to ensuring the international exchange of information, knowledge and experience concerning social progress and development;
- (b) The broadest possible international technical, scientific and cultural cooperation and reciprocal utilization of the experience of countries with different economic and social systems and different levels of development, on the basis of mutual advantage and strict observance of and respect for national sovereignty;
- (c) Increased utilization of science and technology for social and economic development; arrangements for the transfer and exchange of technology, including know-how and patents to the developing countries.

Article 25

- (a) Establishment of legal and administrative measures for the protection and improvement of the human environment on both national and international levels:
- (b) The use and exploitation, in accordance with the appropriate international regimes, of the resources of areas of the environment such as outer space and the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, in order to supplement national resources available for the achievement of economic and social progress and development, in every country, irrespective of its geographical location, special consideration being given to the interests and needs of the developing countries.

Article 26

Compensation for damages, be they social or economic in nature — including restitution and reparations — caused as a result of aggression and of illegal occupation of territory by the aggressor.

Article 27

- (a) The achievement of general and complete disarmament and the channelling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and, in particular, for the benefit of developing countries;
- (b) The adoption of measures contributing to disarmament, including, *inter alia*, the complete prohibition of tests of nuclear weapons, the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and the prevention of the pollution of occans and inland waters by nuclear wastes.

International Development Strategy for the Second United Nations Development Decade

24 October 1970

A. Preamble

- (1) On the threshold of the 1970s, Governments dedicate themselves anew to the fundamental objectives enshrined in the Charter of the United Nations twenty-five years ago to create conditions of stability and well-being and to ensure a minimum standard of living consistent with human dignity through economic and social progress and development.
- (2) The launching in 1961 of the First United Nations Development Decade marked a major world-wide endeavour to give concrete substance to this solemn pledge. Since then attempts have continued to be made to adopt specific measures and to fashion and employ new institutions of international co-operation for this purpose.
- (3) However, the level of living of countless millions of people in the developing part of the world is still pitifully low. These people are often still undernourished, uneducated, unemployed and wanting in many other basic amenities of life. While a part of the world lives in great comfort and even affluence, much of the larger part suffers from abject poverty, and in fact the disparity is continuing to widen. This lamentable situation has contributed to the aggravation of world tension.
- (4) The current frustrations and disappointments must not be allowed to cloud the vision or stand in the way of the development objectives being really ambitious. Youth everywhere is in ferment, and the 1970s must mark a step forward in securing the well-being and happiness not only of the present generation but also of the generations to come.
- (5) The success of international development activities will depend in large measure on improvement in the general international situation, particularly on concrete progress towards general and complete disarmament under effective international control, on the elimination of colonialism, racial discrimination, apartheid and occupation of territories of any State and on the promotion of equal political, economic, social and cultural rights for all members of society. Progress towards general and complete disarmament should release substantial additional resources which could be utilized for the purpose of economic and social development, in particular that of developing countries. There should, therefore, be a close link between the Second United Nations Development Decade and the Disarmament Decade.
- (6) In the conviction that development is the essential path to peace and justice, Governments reaffirm their common and unswerving resolve to seek a better and more effective system of international co-operation whereby the prevailing disparities in the world may be banished and prosperity secured for all.
- (7) The ultimate objective of development must be to bring about sustained improvement in the well-being of the individual and bestow benefits on all. If undue privileges, extremes of wealth and social injustices persist, then development fails in its essential purpose. This calls for a global development strategy based on joint and concerted action by developing and developed countries in all spheres of economic and social life:

- in industry and agriculture, in trade and finance, in employment and education, in health and housing, in science and technology.
- (8) The international community must rise to the challenge of the present age of unprecedented opportunities offered by science and technology in order that the scientific and technological advances may be equitably shared by developed and developing countries, thus contributing to accelerated economic development throughout the world.
- (9) International co-operation for development must be on a scale commensurate with that of the problem itself. Partial, sporadic and half-hearted gestures, howsoever well intentioned, will not suffice.
- (10) Economic and social progress is the common and shared responsibility of the entire international community. It is also a process in which the benefits derived by the developing countries from the developed countries are shared by the world as a whole. Every country has the right and duty to develop its human and natural resources, but the full benefit of its efforts can be realized only with concomitant and effective international action.
- (11) The primary responsibility for the development of developing countries rests upon themselves, as stressed in the Charter of Algiers; but however great their own efforts, these will not be sufficient to enable them to achieve the desired development goals as expeditiously as they must unless they are assisted through increased financial resources and more favourable economic and commercial policies on the part of developed countries.
- (12) Governments designate the 1970s as the Second United Nations Development Decade and pledge themselves, individually and collectively, to pursue policies designed to create a more just and rational world economic and social order in which equality of opportunities should be as much a prerogative of nations as of individuals within a nation. They subscribe to the goals and objectives of the Decade and resolve to take the measures to translate them into reality. These aims and measures are set out in the following paragraphs.

B. Goals and objectives

- (13) The average annual rate of growth in the gross product of the developing countries as a whole during the Second United Nations Development Decade should be at least 6 per cent, with the possibility of attaining a higher rate in the second half of the Decade to be specified on the basis of a comprehensive mid-term review. This target and those derived from it are a broad indication of the scope of convergent efforts to be made during the Decade at the national and international levels; it should be the responsibility of each developing country to set its own target for growth in the light of its own circumstances.
- (14) The average annual rate of growth of gross product per head in developing countries as a whole during the Decade should be about 3.5 per cent with the possibility of accelerating

it during the second half of the Decade in order at least to make a modest beginning towards narrowing the gap in living standards between developed and developing countries. An average annual growth rate of 3.5 per cent per head will represent a doubling of average income per head in the course of two decades. In countries with very low incomes per head, efforts should be made to double such incomes within a shorter period.

- (15) The target for growth in average income per head is calculated on the basis of an average annual increase of 2.5 per cent in the population of developing countries, which is less than the average rate at present forecast for the 1970s. In this context, each developing country should formulate its own demographic objectives within the framework of its national development plan.
- (16) An average annual rate of growth of at least 6 per cent in the gross product of developing countries during the Decade will imply an average annual expansion of:
 - (a) 4 per cent in agricultural output;
 - (b) 8 per cent in manufacturing output.
- (17) For attaining the over-all growth target of at least 6 per cent per annum, there should be an average annual expansion of:
- (a) 0.5 per cent in the ratio of gross domestic saving to the gross product so that this ratio rises to around 20 per cent by 1980;
- (b) Somewhat less than 7 per cent in imports and somewhat higher than 7 per cent in exports.
- (18) As the ultimate purpose of development is to provide increasing opportunities to all people for a better life, it is essential to bring about a more equitable distribution of income and wealth for promoting both social justice and efficiency of production, to raise substantially the level of employment, to achieve a greater degree of income security, to expand and improve facilities for education, health, nutrition, housing and social welfare, and to safeguard the environment. Thus, qualitative and structural changes in the society must go hand in hand with rapid economic growth, and existing disparities regional, sectoral and social should be substantially reduced. These objectives are both determining factors and end-results of development; they should therefore be viewed as integrated parts of the same dynamic process and would require a unified approach:
- (a) Each developing country should formulate its national employment objectives so as to absorb an increasing proportion of its working population in modern-type activities and to reduce significantly unemployment and underemployment;
- (b) Particular attention should be paid to achieving enrolment of all children of primary school age, improvement in the quality of education at all levels, a substantial reduction in illiteracy, the reorientation of educational programmes to serve development needs and, as appropriate, the establishment and expansion of scientific and technological institutions;
- (c) Each developing country should formulate a coherent health programme for the prevention and treatment of diseases and for raising general levels of health and sanitation;
- (d) Levels of nutrition should be improved in terms of the average caloric intake and the protein content, with special emphasis being placed on the needs of vulnerable groups of population;

- (e) Housing facilities should be expanded and improved, especially for the low-income groups and with a view to remedying the ills of unplanned urban growth and lagging rural areas;
 - (f) The well-being of children should be fostered;
- (g) The full participation of youth in the development . process should be ensured;
- (h) The full integration of women in the total development effort should be encouraged.

C. Policy measures

- (19) The above goals and objectives call for a continuing effort by all peoples and Governments to promote economic and social progress in developing countries by the formulation and implementation of a coherent set of policy measures. Animated by a spirit of constructive partnership and cooperation, based on the interdependence of their interests and designed to promote a rational system of international division of labour, and reflecting their political will and collective determination to achieve these goals and objectives, Governments, individually and jointly, solemnly resolve to adopt and implement the policy measures set out below.
- (20) The policy measures should be viewed in a dynamic context, involving continuing review to ensure their effective implementation and adaptation in the light of new developments, including the far-reaching impact of rapid advance in technology, and to seek new areas of agreement and the widening of the existing ones. Organizations of the United Nations system will appropriately assist in the implementation of these measures and in the search for new avenues of international co-operation for development.

1. International trade

- (21) All efforts will be made to secure international action before 31 December 1972, including, where appropriate, the conclusion of international agreements or arrangements on commodities mentioned in resolution 16 [II] of 26 March 1968, adopted by the United Nations Conference on Trade and Development at its second session, in accordance with the procedure agreed upon at that session, and on the basis of a time-table for the consideration of those matters to be drawn up by the Conference.
- (22) Commodities already covered by international agreements or arrangements will be kept under review with a view to strengthening the working of such agreements or arrangements and to renewing, where appropriate, agreements or arrangements due to expire.
- (23) All possible resources for the pre-financing of buffer stocks, when necessary, will be considered while concluding or reviewing commodity agreements incorporating buffer stock mechanisms.
- (24) Efforts will be made to reach agreement, before the third session of the United Nations Conference on Trade and Development, on a set of general principles on pricing policy to serve as guidelines for consultations and actions on individual commodities. As one of the priority aims of pricing policy, particular attention will be paid to securing stable, remunerative and equitable prices with a view to increasing the foreign exchange earnings from exports of primary products from the developing countries.

- (25) No new tariff and non-tariff barriers will be raised nor will the existing ones be increased by developed countries against imports of primary products of particular interest to developing countries.
- (26) Developed countries will accord priority to reducing or eliminating duties and other barriers to imports of primary products, including those in processed or semi-processed form, of export interest to developing countries through international joint action or unilateral action with a view to ensuring that developing countries have improved access to world markets and to market growth for products in which they are presently or potentially competitive. Achievement of this objective will be sought through the continuance and intensification of intergovernmental consultations with the aim of reaching concrete and significant results early in the Decade. Efforts will be made with a view to achieving these results before 31 December 1972.
- (27) Implementation of the provisions of paragraphs 25 and 26 above should take into account the resolutions, decisions and agreements which have been or may be reached in the United Nations Conference on Trade and Development or in other relevant intergovernmental bodies and organizations of the United Nations system.
- (28) Developed countries will give increased attention within the framework of bilateral and multilateral programmes to supplementing the resources of the developing countries in their endeavour to accelerate the diversification of their economies with a view to the expansion of the production and exports of semimanufactures and manufactures, as well as of semiprocessed and processed commodities, broadening the patterns of exports in favour of commodities with relatively dynamic demand conditions and increasing food production in food deficient countries. Specific funds for diversification will be one of the features of commodity arrangements wherever considered necessary.
- (29) Appropriate action, including the provision of finance, will be taken, as far as practicable, to initiate intensive research and development efforts designed to improve market conditions and cost efficiency and to diversify the end uses of natural products facing competition from synthetics and substitutes. In their financial and technical assistance programmes, developed countries and the international organizations concerned will give sympathetic consideration to requests for assistance to developing countries producing natural products which suffer serious competition from synthetics and substitutes, in order to help them to diversify into other areas of production including processing of primary products. Where natural products are able to satisfy present and anticipated world market requirements, in the context of national policies no special encouragement will be given to the creation and utilization of new production, particularly in the developed countries, of directly competing synthetics.
- (30) The machinery for consultation on surplus disposal which existed during the 1960s will be widened and reinforced in order to avoid or minimize possible adverse effects of disposals of production surpluses or strategic reserves, including those of minerals, on normal commercial trade, and to take account of the interest of both surplus and deficit countries.
- (31) Special attention will be given to the expansion and diversification of the export trade of developing countries in manufactures and semi-manufactures, particularly for enabling

- them to attain increased participation, commensurate with the needs of development, in the growth of international trade in these commodities.
- (32) Arrangements concerning the establishment of generalized, non-discriminatory, non-reciprocal preferential treatment to exports of developing countries in the markets of developed countries have been drawn up in the United Nations Conference on Trade and Development and considered mutually acceptable to developed and developing countries. Preference giving countries are determined to seek as rapidly as possible the necessary legislative or other sanction with the aim of implementing the preferential arrangements as early as possible in 1971. Efforts for further improvements of these preferential arrangements will be pursued in a dynamic context in the light of the objectives of resolution 21 (II) of 26 March 1968, adopted by the Conference at its second session.
- (33) Developed countries will not, ordinarily, raise existing tariff or non-tariff barriers to exports from developing countries, nor establish new tariff or non-tariff barriers or any discriminatory measures, where such action has the effect of rendering less favourable the conditions of access to the markets of manufactured and semi-manufactured products of export interest to developing countries.
- (34) Intergovernmental consultations will be continued and intensified with a view to giving effect early in the Decade to measures for the relaxation and progressive elimination of non-tariff barriers affecting trade in manufactures and semi-manufactures of interest to developing countries. Efforts will be made with a view to implementing such measures before 31 December 1972. These consultations will take into account all groups of processed and semi-processed products of export interest to developing countries.
- (35) Developed countries, having in mind the importance of facilitating the expansion of their imports from developing countries, will consider adopting measures and where possible evolving a programme early in the Decade for assisting the adaptation and adjustment of industries and workers in situations where they are adversely affected or may be threatened to be adversely affected by increased imports of manufactures and semi-manufactures from developing countries.
- (36) Developing countries will intensify their efforts to make greater use of trade promotion as an instrument for the expansion of their exports both to developed countries and to other developing countries. For this purpose, effective international assistance will be provided.
- (37) Restrictive business practices particularly affecting the trade and development of the developing countries will be identified with a view to the consideration of appropriate remedial measures, the aim being to reach concrete and significant results early in the Decade. Efforts will be made with a view to achieving these results before 31 December 1972.
- (38) The socialist countries of Eastern Europe will take duly into consideration the trade needs of the developing countries, and in particular their production and export potential; when quantitative targets are fixed in their long-term economic plans, adopt appropriate measures designed to maximize and diversify imports of primary commodities from developing countries and undertake measures so that imports of manufactures and semi-manufactures from developing countries consti-

tute a growing element in their total imports of manufactures and semi-manufactures. They will promote the diversification of the structure and geographical basis of their trade with developing countries in order that the largest possible number of developing countries derive the maximum benefit from this trade. Socialist countries of Eastern Europe will take the necessary action fully to implement, by the beginning of the Decade, and in any case not later than 1972, recommendations contained in section II of resolution 15 (II) of 25 March 1968, adopted by the United Nations Conference on Trade and Development at its second session. As no uniform method of introducing multilateralism in payments relations between developing countries and socialist countries is practical at this time, it is considered desirable that elements of flexibility and multilateralism be progressively introduced or extended in such payments arrangements by appropriate consultations among the countries concerned, taking into account specific circumstances and patterns of trade.

Trade expansion, economic co-operation and regional integration among developing countries

- (39) The developing countries will continue their efforts to negotiate and put into effect further commitments for instituting the schemes for regional and subregional integration or measures of trade expansion among themselves. They will, in particular, elaborate mutually beneficial and preferential trade arrangements which foster the rational and outward-looking expansion of production and trade, and avoid undue injury to the trading interests of third parties, including third developing countries.
- (40) The developed market economy countries will, through the extension of financial and technical assistance or through action in the field of commercial policy, support initiatives in regional and subregional cooperation of developing countries. In this connexion, they will specifically consider what help can be given to any concrete proposals that may be put forward by developing countries. In the efforts of developing countries to carry out trade expansion, economic co-operation and regional integration among themselves, the socialist countries of Eastern Europe will extend their full support within the framework of their socio-economic system.

3. Financial resources for development

(41) Developing countries must, and do, bear the main responsibility for financing their development. They will, therefore, continue to adopt vigorous measures for a fuller mobilization of the whole range of their domestic financial resources and for ensuring the most effective use of available resources, both internal and external. For this purpose, they will pursue sound fiscal and monetary policies and, as required, remove institutional obstacles through the adoption of appropriate legislative and administrative reforms. They will pay particular attention to taking, as appropriate, the necessary steps to streamline and strengthen their systems of tax administration and undertake the necessary tax reform measures. They will keep the increase in their current public expenditure under close scrutiny with a view to releasing maximum resources for investment. Efforts will be made to improve the efficiency of public enterprises so that they make an increasing contribution to investment resources. Every effort will be made to mobilize private savings

through financial institutions, thrift societies, post office savings banks and other savings schemes and through expansion of opportunities for saving for specific purposes, such as education and housing. The available supply of saving will be channelled to investment projects in accordance with their development priorities.

- (42) Each economically advanced country should endeavour to provide by 1972 annually to developing countries financial resource transfers of a minimum net amount of 1 per cent of its gross national product at market prices in terms of actual disbursements, having regard to the special position of those countries which are net importers of capital. Those developed countries which have already met this target will endeavour to ensure that their net resource transfers are maintained and envisage, if possible, an increase in them. Those developed countries which are unable to achieve this target by 1972 will endeavour to attain it not later than 1975.
- (43) In recognition of the special importance of the role which can be fulfilled only by official development assistance, a major part of financial resource transfers to the developing countries should be provided in the form of official development assistance. Each economically advanced country will progressively increase its official development assistance to the developing countries and will exert its best efforts to reach a minimum net amount of 0.7 per cent of its gross national product at market prices by the middle of the Decade.
- (44) Developed countries members of the Development Assistance Committee of the Organisation for Economic Cooperation and Development will exert their best efforts to reach as soon as possible, and in any case before 31 December 1971, the norms set out in the Supplement to the 1965 Recommendation on Financial Terms and Conditions adopted by the Development Assistance Committee on 12 February 1969, designed to soften and harmonize the terms and conditions of assistance to developing countries. Developed countries will consider measures aimed at the further softening of the terms and will endeavour to arrive at a more precise assessment of the circumstances of the individual developing countries and at a greater harmonization of terms given by individual developed countries to individual developing countries. Developed countries will consider, in the further evolution of their assistance policy and with a view to attaining concrete and substantive results by the end of the Decade, the specific suggestions contained in decision 29 (II) of 28 March 1968, adopted by the United Nations Conference on Trade and Development at its second session, and made in other international forums for further softening of the terms and conditions of aid.
- (45) In the light of the relevant decision of the Conference at its second session, financial assistance will, in principle, be untied. While it may not be possible to untie assistance in all cases, developed countries will rapidly and progressively take what measures they can in this respect both to reduce the extent of tying of assistance and to mitigate any harmful effects. Where loans are tied essentially to particular sources, developed countries will make, to the greatest extent possible, such loans available for utilization by the recipient countries for the purchase of goods and services from other developing countries.
- (46) Financial and technical assistance should be aimed exclusively at promoting the economic and social progress of developing countries and should not in any way be used by the

developed countries to the detriment of the national sovereignty of recipient countries.

- (47) Developed countries will provide, to the greatest extent possible, an increased flow of aid on a long-term and continuing basis and by simplifying the procedure of the granting and effective and expeditious disbursement of aid.
- (48) Arrangements for forecasting and, if possible, fore-stalling debt crises will be improved. Developed countries will help in preventing such crises by providing assistance on appropriate terms and conditions, and developing countries by undertaking sound policies of debt management. Where difficulties do arise, the countries concerned will stand ready to deal reasonably with them within the framework of an appropriate forum in cooperation with the international institutions concerned, drawing upon the full range of the available methods including, as may be required, measures such as arrangements for rescheduling and refinancing of existing debts on appropriate terms and conditions.
- (49) The volume of resources made available through multilateral institutions for financial and technical assistance will be increased to the fullest extent possible and techniques will be evolved to enable them to fulfil their role in the most effective manner.
- (50) Developing countries will adopt appropriate measures for inviting, stimulating and making effective use of foreign private capital, taking into account the areas in which such capital should be sought and bearing in mind the importance for its attraction of conditions conducive to sustained investment. Developed countries, on their part, will consider adopting further measures to encourage the flow of private capital to developing countries. Foreign private investment in developing countries should be undertaken in a manner consistent with the development objectives and priorities established in their national plans. Foreign private investors in developing countries should endeavour to provide for an increase in the local share in management and administration, employment and training of local labour, including personnel at the managerial and technical levels, participation of local capital and reinvestment of profits. Efforts will be made to foster better understanding of the rights and obligations of both host and capital-exporting countries, as well as of individual investors.
- (51) In the context of the search for appropriate means for dealing with the problem of disruption of development arising from adverse movements in the export proceeds of developing countries, the International Bank for Reconstruction and Development has been requested to pursue its efforts at working out a scheme of supplementary financing. The Bank is invited to give further consideration to the adoption of supplementary financial measures at the earliest practicable opportunity.
- (52) As soon as adequate experience is available on the working of the scheme of Special Drawing Rights, serious consideration will be given to the possibility of the establishment of a link between the allocation of new reserve assets under the scheme and the provision of additional development finance for the benefit of all developing countries. The question will, in any case, be examined before the allocation of Special Drawing Rights in 1972.

4. Invisibles, including shipping

- (53) The objective is to promote, by national and international action, the earnings of developing countries from invisible trade and to minimize the net outflow of foreign exchange from those countries arising from invisible transactions, including shipping. In pursuance of the objective, action should be taken, *inter alia*, in the following areas, by Governments and international organizations and, where necessary, appropriately involving liner conferences, shippers' councils and other relevant bodies:
- (a) The principle that the national shipping lines of developing countries should be admitted as full members of liner conferences operating in their national maritime trade and have an increasing and substantial participation in the carriage of cargoes generated by their foreign trade should be implemented in the Decade.
- (b) Further, Governments should invite liner conferences to consider favourably, fairly and on equal terms applications of the national shipping lines, in particular of developing countries, for admission as full members to way-port trades related to these countries' own foreign trade, subject to the rights and obligations of conference membership, as provided in section II, paragraph 4, of resolution 12 (IV) of 4 May 1970 adopted by the Committee on Shipping.
- (c) In order that the developing countries may have an increasing and substantial participation in the carriage of maritime cargoes, and recognizing the need to reverse the existing trend whereby the share of the developing countries in the world merchant fleet has been declining instead of increasing, developing countries should be enabled to expand their national and multinational merchant marines through the adoption of such measures as may be appropriate to permit their ship-owners to compete in the international freight market and thus contribute to a sound development of shipping.
- (d) It is also necessary that further improvements be made in the liner conference system, and all unfair practices and discrimination where such exist in liner conference practices should be eliminated.
- (e) In the determination and adjustment of liner freight rates, due consideration should be given, as is commercially possible and/or appropriate, to:
 - (i) The needs of developing countries, in particular their efforts to promote non-traditional exports;
 - (ii) The special problems of the least developed among the developing countries, in order to encourage and promote the import and export interests in these countries:
 - (iii) Port improvements leading to a reduction of the cost of shipping operations in ports;
 - (iv) Technological developments in maritime transport;
 - (v) Improvements in the organization of trade.
- (f) Governments of developed countries members of the United Nations Conference on Trade and Development should, upon request made by developing countries within the framework of their over-all development priorities, duly consider extending, directly or through international institutions, financial and technical assistance, including training, to developing countries to establish and expand their national and multinational merchant marines, including tanker and bulk carrier

fleets, and to develop and improve their port facilities. Within assistance programmes, special attention should be paid to projects, including training projects, for developing the shipping and ports of the least developed among the developing countries and for reducing their maritime transport costs.

- (g) The terms and conditions on which bilateral aid and commercial credit are available for the purchase of ships by developing countries should be kept under review in the light of relevant resolutions of the United Nations Conference on Trade and Development, namely, Conference resolution 12 (II) of 24 March 1968 and resolution 9 (IV) of 4 May 1970 adopted by the Committee on Shipping.
- (h) Freight rates, conference practices, adequacy of shipping services and other matters of common interest to shippers and ship-owners should be the subject of consultation between liner conferences and shippers and, where appropriate, shippers' councils or equivalent bodies and interested public authorities. Every effort should be made to encourage the institution and operation of shippers' councils, where appropriate, or equivalent bodies and the establishment of effective consultation machinery. Such machinery should provide for consultation by liner conferences well before publicly announcing changes in freight rates.
- (i) In view of the common interest of member countries of the United Nations Conference on Trade and Development, shippers and ship-owners in improving ports, thus lowering the cost of maritime transport and permitting reductions in freight rates, a concerted national and international effort should be evolved in the course of the Decade to promote the development and improvement of port facilities of developing countries.
- (j) Maritime transport costs, the level and structure of freight rates, conference practices, adequacy of shipping services and related matters should continue to be kept under review within the United Nations Conference on Trade and Development, and additional measures to attain the objective set out in this field should be considered within the work programme of the permanent machinery of the Conference.
- (54) Reduction in the cost of insurance and reinsurance for developing countries, especially the foreign exchange cost, will be brought about by appropriate measures, bearing in mind the risks involved, to encourage and assist the growth of national insurance and reinsurance markets in developing countries and the establishment to this end, where appropriate, of institutions in these countries or at the regional level.
- (55) Developing countries will expand their tourist industry through the building of tourist infrastructure, adoption of promotional measures and relaxation of travel restrictions. Developed countries will assist in this endeavour. They will try to avoid exchange restrictions on the travel of their residents to developing countries and, where restrictions do exist, to remove them as soon as practicable and to facilitate such travel in other ways.

5. Special measures in favour of the least developed among the developing countries

(56) While it is the objective of the Decade to achieve the rapid economic and social progress of all developing countries, special measures will be taken to enable the least developed among them to overcome their particular disabilities. Every possible effort will be made to ensure the sustained economic

and social progress of these countries and to enhance their capacity to benefit fully and equitably from the policy measures for the Decade. Wherever necessary, supplementary measures will be devised and implemented at the national, subregional, regional and international levels. Organizations and hodies of the United Nations system will consider initiating early in the Decade special programmes to alleviate the critical development problems of the least developed among the developing countries; developed countries will assist in the implementation of these programmes.

- (57) Concerted efforts will be made early in the Decade by developed countries and international organizations through their programmes of technical assistance and through financial aid, including grants and/or exceptionally soft loans, to meet the needs of the least developed among the developing countries and designed to enhance their absorptive capacity. In particular, attention will be paid to overcoming their problem of the scarcity of indigenous technical and managerial cadres, to building the economic and social infrastructure, to the exploitation by these countries of their natural resources and to assisting them in the task of formulating and implementing national development plans.
- (58) Special measures will be taken early in the Decade by national and international organizations to improve the capacity of the least developed among the developing countries to expand and diversify their production structure so as to enable them to participate fully in international trade. Moreover, in the field of primary commodities, special consideration will be given to commodities of interest to these countries and, in concluding commodity agreements, the interest of these countries will receive due attention. In the field of manufactures and semimanufactures, measures in favour of developing countries will be so devised as to allow the least developed among developing countries to be in a position to derive equitable benefits from such measures. Particular consideration will be given to the question of including in the general system of preferences products of export interest to these countries. Special attention will also be paid by developed countries and international organizations to the need of these countries to improve the quality of their production for export as well as of marketing techniques in order to enhance their competitive position in world markets. These countries, in co-operation with other developing countries, will intensify their efforts for subregional and regional co-operation, and the developed countries will facilitate their task through technical assistance and favourable financial and trade policy measures.

6. Special measures in favour of the land-locked developing countries

(59) National and international financial institutions will accord appropriate attention to the special needs of land-locked developing countries in extending adequate financial and technical assistance to projects designed for the development and improvement of the transport and communications infrastructure needed by these countries, in particular of the transport modes and facilities most convenient to them and mutually acceptable to the transit and land-locked developing countries concerned. All States invited to become parties to the Convention on Transit Trade of Land-locked States of 8 July 1965 which have not already done so, will investigate the possibility

of ratifying or acceding to it at the earliest possible date. Implementation of measures designed to assist the land-locked countries in overcoming the handicaps of their land-locked position should take into account the relevant decisions and resolutions which have been or may be adopted by the United Nations Conference on Trade and Development.

7. Science and technology

- (60) Concerted efforts will be made by the developing countries, with appropriate assistance from the rest of the world community, to expand their capability to apply science and technology for development so as to enable the technological gap to be significantly reduced.
- (61) Developing countries will continue to increase their expenditure on research and development and will endeavour to attain, by the end of the Decade, a minimum average level equivalent to 0.5 per cent of their gross product. They will endeavour to inculcate, among their people, an appreciation of the scientific approach which will influence all their development policies. The research programme will be oriented to the development of technologies that are in line with the circumstances and requirements of individual countries and regions. They will put particular stress on applied research and seek to develop the basic infrastructure of science and technology.
- (62) Full international co-operation will be extended for the establishment, strengthening and promotion of scientific research and technological activities which have a bearing on the expansion and modernization of the economies of developing countries. Particular attention will be devoted to fostering technologies suitable for these countries. Concentrated research efforts will be made in relation to selected problems the solutions to which can have a catalytic effect in accelerating development. Assistance will also be provided for building up and, as appropriate, for expanding and improving research institutions in developing countries, especially on a regional or subregional basis. Efforts will be made to promote close co-operation between the scientific work and staff of the research centres in developing countries and between those in developed and developing countries.
- (63) Within the framework of their individual aid and technical assistance programmes, developed countries will substantially increase their aid for the direct support of science and technology in developing countries during the Decade. Consideration will be given to the question of setting a target equivalent to a specified percentage of the gross national product of developed countries at the time of the first biennial review, taking fully into account the relevant factors. Moreover the developed countries will, in their research and development programmes, assist in seeking solutions to the specific problems of developing countries and for this purpose will endeavour to provide adequate resources. Serious consideration will be given during the first biennial review to the question of setting a specified target in this field. Developed countries will make all efforts to incur in developing countries a significant proportion of their research and development expenditure on specific problems of developing countries. In co-operation with the developing countries, developed countries will continue to explore the possibility of locating some of their research and development projects in developing countries. Private foundations, institutions and organizations will be encouraged to provide further

assistance for expanding and diversifying research activities of benefit to developing countries. In relation to their aid and investment policies, developed countries will assist developing countries in identifying technologies which are appropriate for their circumstances and in avoiding the utilization of scarce resources for inappropriate technologies.

(64) Developed and developing countries and competent international organizations will draw up and implement a programme for promoting the transfer of technology to developing countries, which will include, *inter alia*, the review of international conventions on patents, the identification and reduction of obstacles to the transfer of technology to developing countries, facilitating access to patented and non-patented technology for developing countries under fair and reasonable terms and conditions, facilitating the utilization of technology transferred to developing countries in such a manner as to assist these countries in attaining their trade and development objectives, the development of technology suited to the productive structures of developing countries and measures to accelerate the development of indigenous technology.

8. Human development

- (65) Those developing countries which consider that their rate of population growth hampers their development will adopt measures which they deem necessary in accordance with their concept of development. Developed countries, consistent with their national policies, will upon request provide support through the supply of means for family planning and further research. International organizations concerned will continue to provide, when appropriate, the assistance that may be requested by interested Governments. Such support or assistance will not be a substitute for other forms of development assistance.
- (66) Developing countries will make vigorous efforts to improve labour force statistics in order to be able to formulate realistic quantitative targets for employment. They will scrutinize their fiscal, monetary, trade and other policies with a view to promoting both employment and growth. Moreover, for achieving these objectives they will expand their investment through a fuller mobilization of domestic resources and an increased flow of assistance from abroad. Wherever a choice of technology is available, developing countries will seek to raise the level of employment by ensuring that capital-intensive technology is confined to uses in which it is clearly cheaper in real terms and more efficient. Developed countries will assist in this process by adopting measures to bring about appropriate changes in the structures of international trade. As part of their employment strategy, developing countries will put as much emphasis as possible on rural employment and will also consider undertaking public works that harness manpower which would otherwise remain unutilized. These countries will also strengthen institutions able to contribute to constructive industrial relations policies and appropriate labour standards. Developed countries and international organizations will assist developing countries in attaining their employment objectives.
- (67) Developing countries will formulate and implement educational programmes taking into account their development needs. Educational and training programmes will be so designed as to increase productivity substantially in the short run and to reduce waste. Particular emphasis will be placed on teacher-training programmes and on the development of curriculum

materials to be used by teachers. As appropriate, curricula will be revised and new approaches initiated in order to ensure at all levels expansion of skills in line with the rising tempo of activities and the accelerating transformations brought about by technological progress. Increasing use will be made of modern equipment, mass media and new teaching methods to improve the efficiency of education. Particular attention will be devoted to technical training, vocational training and retraining. Necessary facilities will be provided for improving the literacy and technical competence of groups that are already productively engaged as well as for adult education. Developed countries and international institutions will assist in the task of extending and improving the systems of education of developing countries, especially by making available some of the educational inputs in short supply in many developing countries and by providing assistance to facilitate the flow of pedagogic resources among them.

- (68) Developing countries will establish at least a minimum programme of health facilities comprising an infrastructure of institutions, including those for medical training and research to bring basic medical services within the reach of a specified proportion of their population by the end of the Decade. These will include basic health services for the prevention and treatment of diseases and for the promotion of health. Each developing country will endeavour to provide an adequate supply of potable water to a specified proportion of its population, both urban and rural, with a view to reaching a minimum target by the end of the Decade. Efforts of the developing countries to raise their levels of health will be supported to the maximum feasible extent by developed countries, particularly through assistance in the planning of health promotion strategy and the implementation of some of its segments, including research, training of personnel at all levels and supply of equipment and medicines. A concerted international effort will be made to mount a world-wide campaign to eradicate by the end of the Decade, from as many countries as possible, one or more diseases that still seriously afflict people in many lands. Developed countries and international organizations will assist the developing countries in their health planning and in the establishment of health institutions.
- (69) Developing countries will adopt policies consistent with their agricultural and health programmes in an effort towards meeting their nutritional requirements. These will include development and production of high-protein foods and development and wider use of new forms of edible protein. Financial and technical assistance, including assistance for genetic research, will be extended to them by developed countries and international institutions.
- (70) Developing countries will adopt suitable national policies for involving children and youth in the development process and for ensuring that their needs are met in an integrated manner.
- (71) Developing countries will take steps to provide improved housing and related community facilities in both urban and rural areas, especially for low-income groups. They will also seek to remedy the ills of unplanned urbanization and to undertake necessary town planning. Particular effort will be made to expand low-cost housing through both public and private programmes and on a self-help basis, and also through co-operatives, utilizing as much as possible local raw materials

and labour-intensive techniques. Appropriate international assistance will be provided for this purpose.

(72) Governments will intensify national and international efforts to arrest the deterioration of the human environment and to take measures towards its improvement, and to promote activities that will help to maintain the ecological balance on which human survival depends.

9. Expansion and diversification of production

- (73) Developing countries will take specific steps to augment production and improve productivity in order to provide goods and services necessary for raising levels of living and improving economic viability. While this will be primarily their own responsibility, production policies will be carried out in a global context designed to achieve optimum utilization of world resources, benefiting both developed and developing countries. Further research will be undertaken, by the international organizations concerned, in the field of optimal international division of labour to assist individual countries or groups of countries in their choice of production and trading structures. Depending on the social and economic structure and particular characteristics of individual countries, consideration will be given to the role which the public sector and co-operatives might play in augmenting production.
- (74) Full exercise by developing countries of permanent sovereignty over their natural resources will play an important role in the achievement of the goals and objectives of the Decade. Developing countries will take steps to develop the full potential of their natural resources. Concerted efforts will be made, particularly through international assistance, to enable them to prepare an inventory of natural resources for their more rational utilization in all productive activities.
- (75) Developing countries will formulate, early in the Decade, appropriate strategies for agriculture — including animal husbandry, fisheries and forestry — designed to secure a more adequate food supply from both the quantitative and qualitative viewpoints, to meet their nutritional and industrial requirements, to expand rural employment and to increase export earnings. They will undertake, as appropriate, reform of land tenure systems for promoting both social justice and farm efficiency. They will adopt the necessary measures for providing adequate irrigation, fertilizers, improved varieties of seeds and suitable agricultural implements. They will also take steps to expand the infrastructure of marketing and storage facilities and the network of agricultural extension services. They will make increasing provision for the supply of rural credit to farmers. They will encourage co-operatives for the organization of many of these activities. They will adopt appropriate agricultural pricing policies as a complementary instrument for implementing their agricultural strategies. Developed countries will support this endeavour by providing resources to developing countries for obtaining the essential inputs, through assistance in research and for the building of infrastructure and by taking into account in their trade policies the particular needs of developing countries. International organizations will also provide appropriate support.
- (76) Developing countries will take parallel steps to promote industry in order to achieve rapid expansion, modernization and diversification of their economies. They will devise measures to ensure adequate expansion of the industries that

utilize domestic raw materials, that supply essential inputs to both agriculture and other industries, and that help to increase export earnings. They will seek to prevent the emergence of unutilized capacity in industries, especially through regional groupings wherever possible. Developed countries and international organizations will assist in the industrialization of developing countries through appropriate means.

(77) Developing countries will ensure adequate expansion of their basic infrastructure by enlarging their transport and communication facilities and their supplies of energy. As appropriate, they will seek to achieve this purpose through regional and subregional groupings. International financial and technical assistance will be extended in support of their endeavour.

10. Plan formulation and implementation

(78) Developing countries will, as appropriate, establish or strengthen their planning mechanisms, including statistical services, for formulating and implementing their national development plans during the Decade. They will ensure that their development plans are both realistic and ambitious enough to have an impact on the imagination of the people, internally consistent, and widely understood and accepted. Every effort will be made to secure the active support and participation of all segments of the population in the development process. They will pay special attention to the orientation and organization of their public administration at all levels for both the effective formulation and implementation of their development plans. Where necessary, they will seek international assistance in carrying out their planning tasks.

D. Review and appraisal of both objectives and policies

- (79) Appropriate arrangements are necessary to keep under systematic scrutiny the progress towards achieving the goals and objectives of the Decade to identify shortfalls in their achievement and the factors which account for them and to recommend positive measures, including new goals and policies as needed. Such reviews and appraisals will be carried out at various levels, involving both developing and developed countries, keeping in view the need for streamlining the existing machinery and avoiding unnecessary duplication or proliferation of review activities.
- (80) At the national level, each developing country will, where appropriate, establish evaluation machinery or strengthen the existing one and, whenever necessary, seek international assistance for this purpose. Particular attention will be devoted to improving and strengthening national programming and statistical services.
- (81) For appraisals at the regional level, regional economic commissions and the United Nations Economic and Social Office at Beirut, in cooperation with regional development banks and subregional groupings, and with the assistance of other organizations of the United Nations system, will assume the main responsibility.

- (82) The United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the specialized agencies of the United Nations will continue to review progress in their respective sectors according to the procedures already established and to be adapted as necessary.
- (83) An over-all appraisal of the progress in implementing the International Development Strategy will be made by the General Assembly, through the Economic and Social Council, on the basis of the above-mentioned reviews and of comments and recommendations, within the framework of a specific mandate, by the Committee for Development Planning. In order to assist in this task, the Secretary-General will prepare and submit appropriate documentation and reports. The over-all appraisal will be made biennially, the second biennial appraisal being in the nature of a mid-term review.

E. Mobilization of public opinion

(84) An essential part of the work during the Decade will consist of the mobilization of public opinion in both developing and developed countries in support of the objectives and policies for the Decade. Governments of the more advanced countries will continue and intensify their endeavours to deepen public understanding of the interdependent nature of the development efforts during the Decade - in particular of the benefits accruing to them from international co-operation for development — and of the need to assist the developing countries in accelerating their economic and social progress. The efforts which developing countries themselves are making to meet the requirements of their economic and social progress need to be more clearly and more generally made known in developed countries Similarly, Governments of the developing countries will continue to make people at all levels aware of the benefits and sacrifices involved and to enlist their full participation in achieving the objectives of the Decade. The mobilization of public opinion has to be the responsibility mainly of national bodies. Governments may give consideration to the establishment of new national bodies or to strengthening the existing ones designed to mobilize public opinion, and, as a long-term measure, to give increasing development orientation to the educational curricula. Considering that leadership can make a significant contribution to the mobilization of public opinion, the formulation of concrete aims by the competent authorities is indispensable. The role of the organizations of the United Nations system will be to assist the various national information media, in particular by supplying adequate basic information from which these media may draw both substance and inspiration for their work. There is also an urgent need for increasingly coordinating the information activities already being undertaken by many organizations within the United Nations system. The information stemming from international sources will be aimed primarily at strengthening the sense of interdependence and partnership implicit in the concept of the Decade.

1 May 1974

We, the Members of the United Nations,

Having convened a special session of the General Assembly to study for the first time the problems of raw materials and development, devoted to the consideration of the most important economic problems facing the world community,

Bearing in mind the spirit, purposes and principles of the Charter of the United Nations to promote the economic advancement and social progress of all peoples,

Solemnly proclaim our united determination to work urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations, and, to that end, declare:

- 1. The greatest and most significant achievement during the last decades has been the independence from colonial and alien domination of a large number of peoples and nations which has enabled them to become members of the community of free peoples. Technological progress has also been made in all spheres of economic activities in the last three decades, thus providing a solid potential for improving the well-being of all peoples. However, the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved. The benefits of technological progress are not shared equitably by all members of the international community. The developing countries, which constitute 70 per cent of the world's population, account for only 30 per cent of the world's income. It has proved impossible to achieve an even and balanced development of the international community under the existing international economic order. The gap between the developed and the developing countries continues to widen in a system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality.
- 2. The present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970, the world economy has experienced a series of grave crises which have had severe repercussions, especially on the developing countries because of their generally greater vulnerability to external economic impulses. The developing world has become a powerful factor that makes its influence felt in all fields of international activity. These irreversible changes in the relationship of forces in the world necessitate the active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community.
- 3. All these changes have thrust into prominence the reality of interdependence of all the members of the world

community. Current events have brought into sharp focus the realization that the interests of the developed countries and those of the developing countries can no longer be isolated from each other, that there is a close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts. International co-operation for development is the shared goal and common duty of all countries. Thus the political, economic and social well-being of present and future generations depends more than ever on co-operation between all the members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them.

- 4. The new international economic order should be founded on full respect for the following principles:
- (a) Sovereign equality of States, self-determination of all peoples, inadmissibility of the acquisition of territories by force, territorial integrity and non-interference in the internal affairs of other States;
- (b) The broadest co-operation of all the States members of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all;
- (c) Full and effective participation on the basis of equality of all countries in the solving of world economic problems in the common interest of all countries, bearing in mind the necessity to ensure the accelerated development of all the developing countries, while devoting particular attention to the adoption of special measures in favour of the least developed, land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of other developing countries;
- (d) The right of every country to adopt the economic and social system that it deems the most appropriate for its own development and not to be subjected to discrimination of any kind as a result;
- (e) Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;
- (f) The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples;
- (g) Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the

national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries:

- (h) The right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities:
- (i) The extending of assistance to developing countries, peoples and territories which are under colonial and alien domination, foreign occupation, racial discrimination or apartheid or are subjected to economic, political or any other type of coercive measures to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantages of any kind, and to neocolonialism in all its forms, and which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control;
- (j) Just and equitable relationship between the prices of raw materials, primary commodities, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, manufactures, capital goods and equipment imported by them with the aim of bringing about sustained improvement in their unsatisfactory terms of trade and the expansion of the world economy;
- (k) Extension of active assistance to developing countries by the whole international community, free of any political or military conditions:
- (l) Ensuring that one of the main aims of the reformed international monetary system shall be the promotion of the development of the developing countries and the adequate flow of real resources to them:
- (m) Improving the competitiveness of natural materials facing competition from synthetic substitutes;
- (n) Preferential and non-reciprocal treatment for developing countries, wherever feasible, in all fields of international economic co-operation whenever possible;
- (o) Securing favorable conditions for the transfer of financial resources to developing countries;
- (p) Giving to the developing countries access to the achievements of modern science and technology, and promoting the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and

in accordance with procedures which are suited to their economies:

- (q) The need for all States to put an end to the waste of natural resources, including food products;
- (r) The need for developing countries to concentrate all their resources for the cause of development;
- (s) The strengthening, through individual and collective actions, of mutual economic, trade, financial and technical co-operation among the developing countries, mainly on a preferential basis;
- (t) Facilitating the role which producers' associations may play within the framework of international co-operation and, in pursuance of their aims, *inter alia* assisting in the promotion of sustained growth of the world economy and accelerating the development of developing countries.
- 5. The unanimous adoption of the International Development Strategy for the Second United Nations Development Decades was an important step in the promotion of international economic co-operation on a just and equitable basis. The accelerated implementation of obligations and commitments assumed by the international community within the framework of the Strategy, particularly those concerning imperative development needs of developing countries, would contribute significantly to the fulfilment of the aims and objectives of the present Declaration.
- 6. The United Nations as a universal organization should be capable of dealing with problems of international economic co-operation in a comprehensive manner and ensuring equally the interests of all countries. It must have an even greater role in the establishment of a new international economic order. The Charter of Economic Rights and Duties of States, for the preparation of which the present Declaration will provide an additional source of inspiration, will constitute a significant contribution in this respect. All the States Members of the United Nations are therefore called upon to exert maximum efforts with a view to securing the implementation of the present Declaration, which is one of the principal guarantees for the creation of better conditions for all peoples to reach a life worthy of human dignity.
- 7. The present Declaration on the Establishment of a New International Economic Order shall be one of the most important bases of economic relations between all peoples and all nations.

Charter of Economic Rights and Duties of States

12 December 1974

PREAMBLE

The General Assembly,

Reaffirming the fundamental purposes of the United Nations, in particular the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems in the economic and social fields,

Affirming the need for strengthening international cooperation in these fields,

Reaffirming further the need for strengthening international co-operation for development,

Declaring that it is a fundamental purpose of the present Charter to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems,

Desirous of contributing to the creation of conditions for:

- (a) The attainment of wider prosperity among all countries and of higher standards of living for all peoples,
- (b) The promotion by the entire international community of the economic and social progress of all countries, especially developing countries,
- (c) The encouragement of co-operation, on the basis of mutual advantage and equitable benefits for all peace-loving States which are willing to carry out the provisions of the present Charter, in the economic, trade, scientific and technical fields, regardless of political, economic or social systems,
- (d) The overcoming of main obstacles in the way of the economic development of the developing countries,
- (e) The acceleration of the economic growth of developing countries with a view to bridging the economic gap between developing and developed countries,
- (f) The protection, preservation and enhancement of the environment,

Mindful of the need to establish and maintain a just and equitable economic and social order through:

- (a) The achievement of more rational and equitable international economic relations and the encouragement of structural changes in the world economy,
- (b) The creation of conditions which permit the further expansion of trade and intensification of economic co-operation among all nations,
- (c) The strengthening of the economic independence of developing countries,
- (d) The establishment and promotion of international economic relations, taking into account the agreed differences in development of the developing countries and their specific needs.

Determined to promote collective economic security for development, in particular of the developing countries, with strict respect for the sovereign equality of each State and through the co-operation of the entire international community,

Considering that genuine co-operation among States, based on joint consideration of and concerted action regarding international economic problems, is essential for fulfilling the international community's common desire to achieve a just and rational development of all parts of the world,

Stressing the importance of ensuring appropriate conditions for the conduct of normal economic relations among all States. irrespective of differences in social and economic systems, and for the full respect of the rights of all peoples, as well as strengthening instruments of international economic cooperation as a means for the consolidation of peace for the benefit of all,

Convinced of the need to develop a system of international economic relations on the basis of sovereign equality, mutual and equitable benefit and the close interrelationship of the interests of all States,

Reiterating that the responsibility for the development of every country rests primarily upon itself but that concomitant and effective international cooperation is an essential factor for the full achievement of its own development goals,

Firmly convinced of the urgent need to evolve a substantially improved system of international economic relations,

Solemnly adopts the present Charter of Economic Rights and Duties of States.

CHAPTER I

I. FUNDAMENTALS OF INTERNATIONAL ECONOMIC RELATIONS

Economic as well as political and other relations among States shall be governed, *inter alia*, by the following principles:

- (a) Sovereignty, territorial integrity and political independence of States;
 - (b) Sovereign equality of all States;
 - (c) Non-aggression;
 - (d) Non-intervention;
 - (e) Mutual and equitable benefit;
 - (f) Peaceful coexistence;
 - (g) Equal rights and self-determination of peoples;
 - (h) Peaceful settlement of disputes;
- (i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;
 - (j) Fulfilment in good faith of international obligations;
 - (k) Respect for human rights and fundamental freedoms:
 - (l) No attempt to seek hegemony and spheres of influence;
 - (m) Promotion of international social justice;
 - (n) International co-operation for development:
- (o) Free access to and from the sea by land locked countries within the framework of the above principles.

CHAPTER II

ECONOMIC RIGHTS AND DUTIES OF STATES

Article I

Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

Article 2

- 1. Every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.
 - 2. Each State has the right:
- (a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No State shall be compelled to grant preferential treatment to foreign investment;
- (b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State. Every State should, with full regard for its sovereign rights, co-operate with other States in the exercise of the right set forth in this subparagraph;
- (c) To nationalize, expropriate or transfer ownership of foreign property, in which case appropriate compensation should be paid by the State adopting such measures, taking into account its relevant laws and regulations and all circumstances that the State considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless it is freely and mutually agreed by all States concerned that other peaceful means be sought on the basis of the sovereign equality of States and in accordance with the principle of free choice of means.

Article 3

In the exploitation of natural resources shared by two or more countries, each State must cooperate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interest of others.

Article 4

Every State has the right to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems. No State shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every State is free to choose the forms of organization of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with its international obligations and with the needs of international economic co-operation.

Article 5

All States have the right to associate in organizations of primary commodity producers in order to develop their national economies, to achieve stable financing for their development and, in pursuance of their aims, to assist in the promotion of sustained growth of the world economy, in particular accelerating the development of developing countries. Correspondingly, all States have the duty to respect that right by refraining from applying economic and political measures that would limit it.

Article 6

It is the duty of States to contribute to the development of international trade of goods, particularly by means of arrangements and by the conclusion of long-term multilateral commodity agreements, where appropriate, and taking into account the interests of producers and consumers. All States share the responsibility to promote the regular flow and access of all commercial goods traded at stable, remunerative and equitable prices, thus contributing to the equitable development of the world economy, taking into account, in particular, the interests of developing countries.

Article 7

Every State has the primary responsibility to promote the economic, social and cultural development of its people. To this end, each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to cooperate in eliminating obstacles that hinder such mobilization and use.

Article 8

States should co-operate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced world economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end.

Article 9

All States have the responsibility to co-operate in the economic, social, cultural, scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries.

Article 10

All States are juridically equal and, as equal members of the international community, have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems, *inter alia*, through the appropriate international organizations in accordance with their existing and evolving rules, and to share equitably in the benefits resulting therefrom.

Article 11

All States should co-operate to strengthen and continuously improve the efficiency of international organizations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should co-operate to adapt them, when appropriate, to the changing needs of international economic cooperation.

Article 12

- 1. States have the right, in agreement with the parties concerned, to participate in subregional, regional and interregional co-operation in the pursuit of their economic and social development. All States engaged in such cooperation have the duty to ensure that the policies of those groupings to which they belong correspond to the provisions of the present Charter and are outward-looking, consistent with their international obligations and with the needs of international economic cooperation, and have full regard for the legitimate interests of third countries, especially developing countries.
- 2. In the case of groupings to which the States concerned have transferred or may transfer certain competences as regards matters that come within the scope of the present Charter, its provisions shall also apply to those groupings in regard to such matters, consistent with the responsibilities of such States as members of such groupings. Those States shall cooperate in the observance by the groupings of the provisions of this Charter.

Article 13

- 1. Every State has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development.
- 2. All States should promote international scientific and technological co-operation and the transfer of technology, with proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology. In particular, all States should facilitate the access of developing countries to the achievements of modern science and technology, the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies and their needs.
- 3. Accordingly, developed countries should cooperate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their scientific research and technological activities so as to help to expand and transform the economies of developing countries.
- 4. All States should co-operate in research with a view to evolving further internationally accepted guidelines or regulations for the transfer of technology, taking fully into account the interests of developing countries.

Article 14

Every State has the duty to co-operate in promoting a steady and increasing expansion and liberalization of world trade and an improvement in the welfare and living standards of all peoples, in particular those of developing countries. Accordingly, all States should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all countries, taking into account the specific trade problems of the developing countries. In this connexion, States shall take measures aimed

at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings, the diversification of their exports, the acceleration of the rate of growth of their trade, taking into account their development needs, an improvement in the possibilities for these countries to participate in the expansion of world trade and a balance more favourable to developing countries in the sharing of the advantages resulting from this expansion, through, in the largest possible measure, a substantial improvement in the conditions of access for the products of interest to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

Article 15

All States have the duty to promote the achievement of general and complete disarmament under effective international control and to utilize the resources released by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries.

Article 16

- 1. It is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which practice such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all States to extend assistance to them.
- 2. No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.

Article 17

International co-operation for development is the shared goal and common duty of all States. Every State should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty.

Article 18

Developed countries should extend, improve and enlarge the system of generalized non-reciprocal and nondiscriminatory tariff preferences to the developing countries consistent with the relevant agreed conclusions and relevant decisions as adopted on this subject, in the framework of the competent international organizations. Developed countries should also give serious consideration to the adoption of other differential measures, in areas where this is feasible and appropriate and in ways which will provide special and more favourable treatment, in order to meet the trade and development needs of the developing countries. In the conduct of international economic relations the

developed countries should endeavour to avoid measures having a negative effect on the development of the national economies of the developing countries, as promoted by generalized tariff preferences and other generally agreed differential measures in their favour.

Article 19

With a view to accelerating the economic growth of developing countries and bridging the economic gap between developed and developing countries, developed countries should grant generalized preferential, non-reciprocal and non-discriminatory treatment to developing countries in those fields of international economic cooperation where it may be feasible.

Article 20

Developing countries should, in their efforts to increase their over-all trade, give due attention to the possibility of expanding their trade with socialist countries, by granting to these countries conditions for trade not inferior to those granted normally to the developed market economy countries.

Article 21

Developing countries should endeavour to promote the expansion of their mutual trade and to this end may in accordance with the existing and evolving provisions and procedures of international agreements where applicable, grant trade preferences to other developing countries without being obliged to extend such preferences to developed countries, provided these arrangements do not constitute an impediment to general trade liberalization and expansion.

Article 22

- 1. All States should respond to the generally recognized or mutually agreed development needs and objectives of developing countries by promoting increased net flows of real resources to the developing countries from all sources, taking into account any obligations and commitments undertaken by the States concerned, in order to reinforce the efforts of developing countries to accelerate their economic and social development.
- 2. In this context, consistent with the aims and objectives mentioned above and taking into account any obligations and commitments undertaken in this regard, it should be their endeavour to increase the net amount of financial flows from official sources to developing countries and to improve the terms and conditions thereof.
- 3. The flow of development assistance resources should include economic and technical assistance.

Article 23

To enhance the effective mobilization of their own resources, the developing countries should strengthen their economic co-operation and expand their mutual trade so as to accelerate their economic and social development. All countries, especially developed countries, individually as well as through the competent international organizations of which they are members, should provide appropriate and effective support and co-operation.

Article 24

All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of

other countries. In particular, all States should avoid prejudicing the interests of developing countries.

Article 25

In furtherance of world economic development, the international community, especially its developed members, shall pay special attention to the particular needs and problems of the least developed among the developing countries, of land-locked developing countries and also island developing countries, with a view to helping them to overcome their particular difficulties and thus contribute to their economic and social development.

Article 26

All States have the duty to coexist in tolerance and live together in peace, irrespective of differences in political, economic, social and cultural systems, and to facilitate trade between States having different economic and social systems. International trade should be conducted without prejudice to generalized non-discriminatory and non-reciprocal preferences in favour of developing countries, on the basis of mutual advantage, equitable benefits and the exchange of most-favoured-nation treatment.

Article 27

- 1. Every State has the right to enjoy fully the benefits of world invisible trade and to engage in the expansion of such trade.
- 2. World invisible trade, based on efficiency and mutual and equitable benefit, furthering the expansion of the world economy, is the common goal of all States. The role of developing countries in world invisible trade should be enhanced and strengthened consistent with the above objectives, particular attention being paid to the special needs of developing countries.
- 3. All States should co-operate with developing countries in their endeavours to increase their capacity to earn foreign exchange from invisible transactions, in accordance with the potential and needs of each developing country and consistent with the objectives mentioned above.

Article 28

All States have the duty to co-operate in achieving adjustments in the prices of exports of developing countries in relation to prices of their imports so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers.

CHAPTER III

COMMON RESPONSIBILITIES TOWARDS THE INTERNATIONAL COMMUNITY

Article 29

The sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. On the basis of the principles adopted by the General Assembly in resolution 2749 (XXV) of 17 December 1970, all States shall ensure that the exploration of the area and exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefrom are shared equitably by all States, taking into account the particular interests and needs of developing countries; an international regime applying to the area and its

resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon.

Article 30

The protection, preservation and enhancement of the environment for the present and future generations is the responsibility of all States. All States shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility. The environmental policies of all States should enhance and not adversely affect the present and future development potential of developing countries. All States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. All States should co-operate in evolving international norms and regulations in the field of the environment.

CHAPTER IV

FINAL PROVISIONS

Article 31

All States have the duty to contribute to the balanced expansion of the world economy, taking duly into account the close interrelationship between the well-being of the developed countries and the growth and development of the developing countries, and the fact that the prosperity of the international

community as a whole depends upon the prosperity of its constituent parts.

Article 32

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

Article 33

- 1. Nothing in the present Charter shall be construed as impairing or derogating from the provisions of the Charter of the United Nations or actions taken in pursuance thereof.
- 2. In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions.

Article 34

An item on the Charter of Economic Rights and Duties of States shall be included in the agenda of the General Assembly at its thirtieth session, and thereafter on the agenda of every fifth session. In this way a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended. Such consideration should take into account the evolution of all the economic, social, legal and other factors related to the principles upon which the present Charter is based and on its purpose.

Declaration on the Critical Economic Situation in Africa

3 December 1984

- 1. We the States Members of the United Nations express our deep concern at the profound economic and social crisis that Africa is experiencing. Over the last few years the situation has assumed alarming proportions, seriously jeopardizing not only the development process but, more ominously, the very survival of millions of people.
- 2. We are alarmed by the spectre of widespread famine hanging over many African countries. Over one hundred and fifty million people are facing hunger and malnutrition. Prolonged unprecedented drought, accelerating desertification and other natural disasters have compounded an already serious situation, dislocating normal life all over the continent. Alarming shortages in food and water supplies and the depletion of livestock have led to the displacement of millions of people within and across borders.
- 3. All these factors are further straining fragile economies crippled by deep-rooted structural deficiencies, that is to say, weak physical and social infrastructures, lack of trained human resources and dependence on the export of a few primary commodities.
- 4. Africa, despite its enormous potential, remains the least developed of all continents, lagging far behind by every economic indicator. Economic performance of many African countries is characterized by declining per capita incomes and stagnant or negative rates of growth. Furthermore, food production has not kept pace with population growth. According to all projections, prospects for recovery, growth and development remain very dim unless the efforts currently under way in African countries are fully supported by the international community.
- 5. Furthermore, the international economic environment continues to affect developing countries adversely and, particularly, it had a devastating impact on the already fragile African economies. This is manifested in deteriorating terms of trade, sharp declines in export earnings, the heavy burden of external debt and stagnating resource flows to African countries.
- 6. We are aware that African countries recognize they have the primary responsibility for their development and for addressing the present crisis. They have therefore undertaken and continue to undertake painful adjustment measures at very high social and political costs. While recognizing the determined efforts of African countries and the support provided by the international community, much more needs to be done as the situation remains very grave.
- 7. We recognize that, in dealing with the present crisis, African regional and subregional efforts towards economic co-operation and integration as well as enhanced economic and technical co-operation among developing countries play an important role in the achievement of national and collective self-reliance and sustained development in Africa.
- 8. We are aware that the maintenance of peace and security and the strengthening of international co-operation are important for meeting the challenge of development.

- 9. We fully recognize that emergency relief aid on a massive scale is urgently needed in the following areas: additional food aid and other emergency supplies, together with the technical and financial assistance necessary for their transportation, storage and distribution to the affected populations: improvement of water supplies: improvement of health and nutrition, particularly for vulnerable groups, including refugees and displaced persons; safeguarding national nuclei of herds of livestock; establishment of income-generating projects and promotion of new and renewable energy projects, particularly in rural areas. In addition to the assistance already provided by the international community, further urgent assistance from bilateral and multilateral donors and non-governmental organizations is required to meet the above and other identified emergency needs in a comprehensive manner, as well as to strengthen the emergency prevention and preparedness capacities of African countries.
- 10. Of particular importance is the need to undertake urgent action to speed up and support the recovery and rehabilitation process in African countries, especially of the agricultural and industrial sectors as well as for physical and social infrastructures. Assistance for increasing the import capacity for vital imports, through adequate balance-of-payments support and other relevant measures, would help to establish a sound basis for the resumption and acceleration of sustained economic and social development in Africa.
- 11. We agree that in confronting the challenge of development, national policies and measures, such as those outlined in the Lagos Plan of Action for the Implementation of the Monrovia Strategy for the Economic Development of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity and the Special Memorandum on Africa's Economic and Social Crisis adopted by the Conference of Ministers of the Economic Commission for Africa, provide a framework for national and subregional action and international support.
- 12. We recognize that, in view of the high priority attached by African countries to food and agriculture, the first urgent task is the early attainment of national and collective self-reliance in food production. In this connection, as highlighted in the Harare Declaration on the food crisis in Africa adopted on 25 July 1984 by the thirteenth FAO Regional Conference for Africa, national food strategies and integrated rural development plans play an important role, especially in the achievement of food security. Moreover, we recognize the important role of women in rural development, particularly in food production, a role for which greater support is needed. Also important are the provision of appropriate incentives, credit, improvement of storage and transport, reduction of food losses, in particular post-harvest losses, achievement of a better balance between agricultural export commodities and food production, diversification of agricultural production and utilization of irrigation potential, particularly in the drought-prone areas.
- 13. Urgent action is needed at the international level to support national and regional efforts to implement the Regional

Plan of Action to Combat the Effects of Drought in Africa and the Plan of Action to Combat Desertification.

- 14. Increased resources for rapid implementation of the Industrial Development Decade for Africa and the Transport and Communications Decade in Africa are required. Furthermore, efforts at national, subregional and regional levels to develop the necessary and much needed skilled manpower, and to build technological capacities, require increased international support.
- 15. We fully acknowledge that, in the light of the worsening economic situation in Africa, the interrelationship between the debt problem, concessional flows and export earnings and their direct impact on recovery, growth and development assume even greater significance. It is vital, therefore, to take urgent and mutually-reinforcing measures in those areas, taking into account the Special Memorandum on Africa's Economic and Social Crisis, the Addis Ababa Declaration on Africa's External Indebtedness adopted by the African Ministers of Finance and the World Bank Special Programme for Sub-Saharan Africa, in order to complement and support domestic adjustment efforts in African countries.
- 16. Africa is experiencing a very serious debt problem, repayment and servicing of which is taking a very high percentage of already reduced export earnings. The problem is further exacerbated by factors such as deteriorating terms of trade, decline in concessional flows in real terms and increased use of short-term commercial credit. Without an increase in net capital inflows and urgent debt relief measures, prospects for recovery and development in Africa will be undermined.
- 17. Bilateral and multilateral creditors should take concerted measures to ease the debt burden of African countries. For official and officially-guaranteed debt, total or partial conversion of official development assistance debts into grants, longer maturities and grace periods, lower or concessional interest rates and extended multi-year rescheduling are among the measures to be dealt with urgently within the framework of close consultation with each of the debtor countries concerned, as well as any other measures to be agreed upon. It is essential to ensure the full and urgent implementation of Trade and Development Board resolution 165 (S-IX) of 11 March 1978. Multilateral financial institutions should expedite resource disbursement. Reduction in international interest rates would further alleviate the debt burden. Moreover, the full co-operation of commercial banks is indispensable. The capacity of African countries to manage their debt should be improved through the provision of technical assistance, particularly by international agencies.
- 18. We recognize that African countries, in view of their heavy dependence on concessional financial flows and their limited access to alternative sources of external finance, require a substantial and sustained increase in the volume of the flows through bilateral donors and multilateral channels for development finance and technical co-operation. The international community, in particular the developed countries and the multilateral financial institutions, should endeavour to provide the additional financial resources to maintain and increase a net transfer of resources to African countries. The World Bank is strongly urged to explore with donors possible approaches, including a special facility, in mobilizing the resources required to implement the Bank's Special Programme for Sub-Saharan Africa.

- 19. The full and speedy implementation of the Substantial New Programme of Action for the 1980s for the Least Developed Countries, particularly with regard to the official development assistance level, would greatly augment resource flows to many African countries. Supplementary funding for the International Development Association and the early completion of the replenishment of the International Fund for Agricultural Development would ensure at least the maintenance of the real value of resources channelled to Africa.
- 20. The heavy dependence of African countries on the export of a few primary commodities renders them particularly vulnerable to the sharp price fluctuations that result in drastic shortfalls in export earnings. Urgent action is therefore needed to stabilize commodity prices on long-term trends and to improve and increase the use of compensatory financing arrangements for export earnings shortfalls, such as the Compensatory Financing Facility of the International Monetary Fund. Improved market access for African primary and processed products, efforts of African countries to diversify production, and the early and effective operation of the Common Fund for Commodities require intensified international action.
- 21. The modalities and quality of official development assistance flows in terms of a greater grant element, untied resources and simplified procedures for aid delivery should be improved through, *inter alia*, speedier disbursements and greater reliance on more flexible forms of assistance, such as non-project programme and sector aid, including local and recurrent costs.
- 22. We acknowledge that there is room for further improvement in the coordination of assistance and the efficient and effective use of resources. Coordination of multilateral as well as bilateral assistance is primarily the responsibility of recipient Governments and, in this connection, effective national coordinating mechanisms can play an important role. The United Nations system should extend technical assistance in this field to Governments, upon request, and should pursue its own efforts to enhance coordination at the programme and operational levels, in conformity with relevant General Assembly resolutions.
- 23. We are convinced that in addressing the critical needs of African countries there are many areas where the United Nations could play an important role both in mobilizing the necessary resources and in carrying out specific activities. In this respect, existing resources allocated for programmes in Africa should, in consultation with African Governments, be refocused to address identified priority areas. There is need for further improvement in the efficiency and programme delivery of United Nations activities in Africa. Furthermore, additional voluntary contributions should be mobilized to ensure the implementation of projects and programmes in priority areas.
- 24. We urge all organs, organizations and bodies of the United Nations system to give greater attention to Africa and to continue to mobilize resources for assisting African countries in dealing with the current crisis and its longer-term ramifications.
- 25. We further urge bilateral and multilateral donors, as well as non-governmental organizations, to take all necessary measures to support the efforts of the African countries aimed at alleviating the critical economic situation in Africa.

26. We request the Secretary-General to continue his commendable efforts in alerting and sensitizing the international community to the plight of African countries, in mobilizing additional assistance to Africa, as well as in co-ordinating the activities of the United Nations system in Africa and in monitoring the situation, and to present periodic reports thereon.

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27. We are convinced that unless urgent action is taken the rapidly deteriorating situation in Africa may well lead to disaster. We are therefore fully committed to supporting the efforts of African countries to meet the dual challenge of survival and development by taking concerted and urgent measures commensurate with the needs outlined in the present Declaration.

Declaration on the Right to Development

4 December 1986

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and cooperation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, a partheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations.

Proclaims the following Declaration on the Right to Development:

Article 1

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

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

- 2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.
- 3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

- 1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.
- 2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations.
- 3. States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights.

Article 4

- 1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.
- 2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should cooperate with a view to promoting, encouraging and strengthening universal respect for and obser-

vance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

- All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,
- 3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

- 1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.
- 2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

- All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.
- 2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

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

Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries

1 May 1990

We, the States Members of the United Nations,

Solemnly proclaim our strong commitment to a global consensus to promote urgently international economic cooperation for sustained growth of the world economy and, in particular, to the revitalization of economic growth and development of the developing countries so as to realize the basic right of all human beings to a life free from hunger, poverty, ignorance, disease and fear. To that end, we adopt the present Declaration.

- 1. This is a time of positive transformation in international relations. The reduction in international political tensions, the increasing integration of the world economy and the broad movement towards economic and political reform will create an opportunity for strengthening international economic co-operation based on the need to provide just and equal opportunities to all peoples to enable them to develop their full potential.
- 2. We strongly affirm the need-to revitalize growth and development in the developing countries and to address together the problems of abject poverty and hunger that continue to afflict far too many people in the world. The international community has a responsibility to give strong support to the efforts of the developing countries to solve their grave economic and social problems through the creation of a favourable international economic environment,
- 3. In an increasingly interdependent world, the developing countries should play an important role in the growth and expansion of the world economy for the progress and prosperity of all peoples.
- 4. Each country is responsible for its own economic policies for development, in accordance with its specific situations and conditions, and for the life and well-being of all its citizens. National policies also need to take fully into account the obligations of all countries to international economic co-operation.

I. Assessment of the 1980s

- 5. In the 1980s, progress in developed and developing countries was uneven. The decade was marked by a widening gap between those groups of countries as well as by relatively slow growth and large global financial and trade imbalances. Developed market-oriented countries have succeeded to a large extent in controlling inflation and in maintaining sustained, though modest, growth. However, many countries, particularly developing countries, have encountered serious difficulties in their attempt to adapt to structural changes, to benefit from the economic growth of the industrialized countries and to promote the well-being of their citizens.
- 6. External and fiscal imbalances in some of the countries whose economies have the largest impact on the world economy have contributed to international monetary instability and led to higher interest rates. In the late 1980s, such imbalances started to narrow; none the less, they remain large.

- 7. For many developing countries, the 1980s have been viewed as a decade lost for development. Living conditions in Africa and Latin America and the Caribbean, and in parts of Asia, deteriorated, and economic and social infrastructure eroded, impairing stability and prospects for growth and development. Other developing countries were able to achieve economic and social progress.
- 8. The position of developing countries in international trade and finance weakened substantially, further widening the gap between developing and developed countries. External indebtedness emerged as a main factor in the economic stalemate in the developing countries. Their capacity to service debt was seriously weakened as interest rates grew and terms of trade deteriorated. This problem has contributed to the fall in investment and the cessation of new financial flows. A long-term downward trend in the prices of commodities has had devastating effects for commodity-dependent developing countries.
- 9. As a result, there was a large net transfer of resources from the developing to the developed countries, depriving the former of much needed resources for development. This made the process of adjustment more difficult and complicated the tasks of coping with its social consequences and obtaining the necessary political support for reform.
- 10. Eastern European countries were not appropriately involved in the world economic system. Their need for comprehensive reform and transformation grew and, in the late 1980s, fundamental political and economic changes began to take place. These countries face problems of adaptation to the scientific, technological and structural changes taking place in the world economy.
- 11. As the world changes around us, we must respond positively. The 1980s marked the beginning of fundamental rethinking towards the achievement of economic development. A gradual convergence of views on economic policy, including the need for sound macro-economic policies and enhanced competition, is emerging. Flexibility, creativity, innovation and openness must be integral parts of our economic systems.

II. Challenges and opportunities for the 1990s

- 12. The most important challenge for the 1990s is the revitalization of economic growth and social development in the developing countries, which calls for sustained growth of the world economy and favourable external conditions. This major challenge has to be addressed in the context of increasing interdependence and integration in the world economy.
- 13. It will be essential to stem the increasing marginalization of the least developed countries and to reactivate their growth and development through comprehensive national action and international support measures.
- 14. Finding an early and durable solution to the international debt problems, meeting the increasing needs for development finance, creating an open and equitable trading system and

facilitating the diversification and modernization of the economies of developing countries, particularly those that are commodity-dependent, are conditions for the revitalization of growth and development in the developing countries in the 1990s and require continued concerted efforts.

- 15. There is a pressing need to improve the international economic environment in order to ensure the success of national policies. Countries can then take advantage of the major advances in science and technology and the globalization of markets and thereby enhance their human capital and modernize their economies.
- 16. Economic development must be environmentally sound and sustainable. The deterioration of the environment is a cause of grave concern for all countries. Growing environmental problems, such as pollution, desertification, deforestation and climate change, increasingly pose a serious threat to the future growth of the world economy.
- 17. Countries have to adapt their national policies to facilitate open exchange and flexible responses to the changing world economy. Effective national policies have a critical role to play in achieving sustained, non-inflationary economic growth in all countries. Such policies should be supportive of investment as well as of efficient allocation and mobilization of resources in order to achieve durable growth.
- 18. The eradication of poverty and hunger, greater equity in income distribution and the development of human resources remain major challenges everywhere. Economic and social progress requires that growth be broadly based, offering equal opportunities to all people, both women and men, to participate fully in economic, social and political activities.
- 19. There is a need to integrate the Eastern European countries into the world economy and the international economic system. This should generate positive impulses for world trade and development.
- 20. The revitalization of economic growth and development of the developing countries will have to be undertaken against the backdrop of these opportunities and challenges. Our collective efforts will be needed to ensure that the rapidly changing realities result in a positive transformation in favour of the economic development of all countries, particularly the developing countries.

III. Commitments and policies for international development co-operation

- 21. Reactivation of economic growth and development in the developing countries will require a concerted and committed effort by all countries. The present opportunity to restore a long-term approach to development and move beyond short-term adjustment must be seized. The States Members of the United Nations will endeavour to take all necessary steps to reverse the adverse trends of the 1980s, address the challenges of the 1990s and move into a more productive decade. Such actions should take into account the responsibility of each country for its own development and should be in accordance with its capacity and its impact on the international economy.
- 22. The major industrialized countries influence world economic growth and the international economic environment profoundly. They should continue their efforts to promote sustained growth and to narrow imbalances in a manner that can benefit other countries. The coordination of macro-

- economic policies should take full account of the interests and concerns of all countries, particularly the developing countries. Efforts should be made to enhance the effectiveness of multilateral surveillance aimed at correcting existing external and fiscal imbalances, promoting non-inflationary sustainable growth, lowering real rates of interest, and making exchange rates more stable and markets more accessible.
- 23. In accordance with their legislation, development objectives and national priorities, developing countries should continue to work towards keeping control over inflationary tendencies, promoting domestic savings, achieving favourable conditions for domestic and foreign investment, modernizing their economies and increasing their international competitiveness.
- 24. However, economic policies should have as their ultimate objective the betterment of the human condition and the enhancement of the contribution of all persons to development. The full utilization of human resources and the recognition of human rights stimulate creativity, innovation and initiative.
- 25. A primary objective must be to respond to the needs and maximize the potential of all members of society. Health, nutrition, housing, population policies and other social services are a key to both improving individual welfare and successful development. Education and training, which must be available to all, are essential for improving the quality of human resources and for sustaining economic growth. The international community should support efforts to arrest the current escalation of extreme poverty and hunger. It is essential to reverse the present deterioration of this grave situation.
- 26. A durable and broad solution of the external debt problems of the developing debtor countries should continue to be given urgent attention, and the serious debt-servicing problems of some other countries should be further addressed with a view to an early solution. Recent initiatives and measures to reduce the stock and service of debt or to provide debt relief for developing countries should be broadly implemented. Relief measures should aim at the resumption of vigorous growth and development in these countries and should address all types of bilateral debt of debtor developing countries. Serious consideration should be given to continuing to work towards a growth-oriented solution of the problems of developing countries with serious debt-servicing problems, including those whose debt is mainly to official creditors or to multilateral institutions.
- 27. Substantial concessional resources will be called for to enable developing countries, especially the least developed ones, to cope with the challenges of the 1990s. Developed countries should implement the undertakings they have made to attain the agreed international target of devoting 0.7 per cent of gross national product to official development assistance and 0.15 per cent to the least developed countries. Developed countries should enhance the quantity and quality of their aid. Appropriate additional resources for the least developed countries should be considered at the Second United Nations Conference on the Least Developed Countries. The special development problems and needs of the island and land-locked developing countries should also be addressed.
- 28. Scientific and technological capability is increasingly important in the development of developing countries. Developed countries and international organizations should support

the efforts of developing countries to create and develop endogenous capacities in this area.

- 29. The current threat to the environment is the common concern of all. All countries should take effective actions for the protection and enhancement of the environment in accordance with their respective capacities and responsibilities and taking into account the specific needs of developing countries. As the major sources of pollution, the developed countries have the main responsibility for taking appropriate measures urgently. The economic growth and development of developing countries are essential in order to address problems of the degradation and protection of the environment. New and additional financial resources will have to be channelled to developing countries. Effective modalities for favourable access to, and transfer of, environmentally sound technologies, in particular to developing countries, including on concessional and preferential terms, should be examined.
- 30. Multilateral financial institutions should be in a position to respond to the increasing development needs of developing countries in the 1990s. They should be provided with adequate resources to support long-term development, to facilitate structural reform and to finance programmes to alleviate the adverse social consequences of adjustment for poor and vulnerable groups.
- 31. Countries should seek to reduce expenditures for military purposes, thereby opening up the possibility of enhanced spending on social and economic development for the benefit of all countries, in particular the developing countries. In this context, the feasibility of channelling some of these reductions through financial mechanisms for development should be explored.
- 32. An open and credible multilateral trading system is essential for the promotion of growth and development. Any present or future trends towards unilateralism, bilateralism and the erosion of the multilateral trading system must be arrested. Protectionism should be resisted everywhere: commitments to standstill and roll-back of protectionism should be honoured. It is vitally important that the Uruguay Round of multilateral trade negotiations result in a balanced outcome, preserving and strengthening the multilateral trading system, enabling trade liberalization and increased market access for the exports of developing countries. The principles underlying the multilateral trading system should be reaffirmed, and international organizations active in multilateral trade should be strengthened as part of the process of attaining these objectives.
- 33. Commodity exports will continue to play a key role in the economies of most developing countries and to make a

- crucial contribution to export earnings and investment. There is a need for better functioning of commodity markets and more stable and predictable conditions. Diversification helps the developing countries to increase and stabilize their export earnings. All countries and multilateral institutions should undertake measures to support these endeavours.
- 34. Regional economic integration is important in expanding trade and investment in developing countries. Developing countries should strive to promote economic integration and strengthen economic and technical co-operation among themselves. These efforts should be encouraged and supported by the developed countries, as well as by the international organizations.
- 35. Eastern European countries should be supported in their efforts to integrate themselves into the international economy, including, as appropriate, their adhesion to international institutions. This will benefit their own people and the rest of the world: it must not detract from the high priority placed on international development co-operation with the developing countries. Their integration will strengthen the role of Eastern Europe as a dynamic trade partner and as a market and source of technology.
- 36. The United Nations system has a large role to play in international co-operation for revitalizing development in the 1990s. All its Member States have a responsibility for making it more effective and efficient. The United Nations is a unique forum in which the community of nations can address all issues in an integrated manner. Its many specialized agencies make an indispensable contribution to development. They have a major responsibility in the great task of revitalizing growth and development in the 1990s.
- 37. Member States agree to work for fruitful results at the forthcoming Second United Nations Conference on the Least Developed Countries, in the elaboration of a new international development strategy, the World Summit for Children, the eighth session of the United Nations Conference on Trade and Development in 1991, the United Nations Conference on Environment and Development, to be held in Brazil in 1992, and the international meeting on population in 1994.
- 38. The States Members of the United Nations pledge themselves solemnly to advance the multilateral dialogue, to respond to the challenge and commitments contained in the present Declaration through national policies and enhanced international co-operation and to keep the implementation of the Declaration under political review.

International Development Strategy for the Fourth United Nations Development Decade

21 December 1990

I. PREAMBLE

- 1.. We, the States Members of the United Nations, adopt the following International Development Strategy and designate 1 January 1991 to 31 December 2000 as the Fourth United Nations Development Decade. The global consensus reached in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to General Assembly resolution S-18/3, provides the basis for this Strategy. We pledge ourselves individually and collectively to undertake the measures necessary to implement the Strategy.
- 2. The goals and objectives of the International Development Strategy for the Third United Nations Development Decade were for the most part unattained. Adverse and unanticipated developments in the world economy wiped out the premises on which growth had been expected. The early years of the 1980s witnessed a recession in the developed, market economy countries. Although growth in these countries resumed in 1983 and was sustained at a moderate tempo virtually without inflation over the remainder of the decade, the period was one of marked imbalances, external as well as fiscal, and of relatively high unemployment. Growth rates slowed down in the countries of Eastern Europe, where the need for structural transformation became increasingly manifest, resulting, by the end of the decade, in sweeping economic and political changes. World trade resumed to a path of relatively rapid growth in the second half of the 1980s. But, for the developing countries, the external economic environment over the decade was generally characterized by shrinking resource flows, declining commodity prices, rising interest rates and increasing barriers to market access. During the 1980s, overall growth in the developing countries averaged 3 per cent annually and per capita growth I per cent. Over the 1960s and 1970s, by comparison, overall growth in these countries averaged 5.5 per cent and per capita growth 3 per cent.
- 3. Despite this background, some developing countries, among them some of the biggest and the poorest, succeeded in maintaining a relatively fast tempo of growth and transformation. For most others, however, the decade was one of falling growth rates, declining living standards and deepening poverty. The debt crisis that erupted in 1982 led to the virtual cessation of net commercial bank lending. There was a negative transfer of net financial resources to the indebted countries, whose debt-servicing capacity was further weakened as interest rates grew and terms of trade deteriorated. As a result, the overall growth of developing countries with debt-servicing difficulties was only 1.5 per cent during the period 1981-1990. The decade of the 1980s saw a widening of the gap between the rich and the poor countries. It also witnessed political tensions and conflicts, as well as natural and man-made disasters that were costly and disruptive.
- 4. If the 1990s are to be a decade of development, this record of unsatisfactory progress and performance needs to be

- changed. Projections by the organizations of the United Nations system unanimously suggest, however, that in the absence of major changes in policies, the coming decade will be much like the previous one. While relatively rapid growth is foreseen for some countries of Asia, the prospect is one of continued stagnation for others, particularly in Africa and Latin America.
- 5. Such a prospect is fraught with danger. Growing populations and young and expanding work forces, as well as rising aspirations associated with the spread of education and the impact of communications, are imposing intense pressures on the political and social fabric of developing countries. Unless these pressures are relieved by decisive improvements in the pace and character of development, economic distress and political and social instability may spread, not only within national boundaries but beyond them as well, and may affect the peace and stability of the world as a whole. In the many developing countries where economic conditions stagnated or declined in the 1980s, absolute poverty became more widespread and conditions deteriorated with regard to nutrition and food security, job creation and education, health care and infant mortality, housing and sanitation. The erosion of living standards and social services brought mounting political unrest to many countries.
- 6. The interdependence of nations is rapidly becoming far more than a matter of trade and finance links alone. There are strong trends towards greater openness in the movement of funds, people and ideas around the world. Over the past decade, violence, social disorder and terrorism have become more common. Conflicts and upheavals lead to the movement of refugees and international migrants and give rise to problems of border control, admission and assimilation in receiving countries. The illicit traffic in narcotics links the poverty and social problems of the rich countries to those of producers whose traditional crops no longer ensure them a living. Environmental threats and epidemics are often themselves of global scope. These and other related problems can only be aggravated by economic stresses and strains and by the failure of the development process in the developing countries. The entire international community, rich and poor countries alike, has thus a vital stake in ensuring that the decade of the 1990s is truly one of economic and social progress throughout the world.
- 7. The prospects for the 1990s, assessed on the basis of the continuation of present policies, can and must be changed. The reactivation and acceleration of the development process is in the interest of all countries. The developing countries can provide a strong stimulus to world trade and investment and can contribute to the strength and stability of the world economy. They already account for a significant share of the markets of the developed countries. Far-reaching developments have taken place on the international scene that provide new opportunities for reversing the trends of the 1980s. The relaxation of international tensions offers an opportunity for reducing military spending worldwide, for a reduction of the strains on

national economies and for the application of larger resources to the fight against world poverty The waning of ideological conflicts is improving the climate of co-operation at all levels. There is no universal prescription for successful development, but a growing convergence of views is emerging with respect to effective approaches to economic and social development and with regard to the potential contributions to the development process of the private and public sectors, of individuals and enterprises and of democratic rights and freedoms.

- 8. A strong stimulus to global co-operation is provided by the consciousness of the global consequences of environmental problems and their interaction with both development and the lack of development and by a growing awareness of the threats to the security of nations that could arise from frustrations and tensions in developing countries. Closer integration, in both Europe and North America, in prospect of the 1990s, has the potential to strengthen major economies and their capacity to support global economic growth if accompanied by openness to the outside world. The reform and restructuring of the economies of Eastern Europe and their integration into the world economy can contribute to the strength and dynamism of world trade. Closer co-operation and integration among the developing countries themselves also offer an opportunity to enhance the vigour of the development process. No less important, the rapid advances in science and technology and in global communications are opening up new vistas for improvement of productivity, structural change and accelerated development.
- 9. These changes do not by themselves guarantee a reversal of the present trends or ensure that the development experience in the new decade will differ markedly from that of the 1980s. There are dangers, if the opportunities are not grasped, of increasing marginalization of many developing countries in the world economy and of a weakening of the focus on development as an objective of international economic co-operation. But the changes offer a new context for decision-making and policy formulation and for approaches that could reverse the experience of the 1980s. They provide an opportunity for the formulation and implementation of an International Development Strategy that is aimed at releasing the great potential for development that exists in the developing countries and in the world economy.
- 10. The Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, contained in the annex to General Assembly resolution S-18/3, contains a pledge that Member States will endeavour to take all necessary steps to reverse the adverse trends of the 1980s, address the challenges of the 1990s and move into a more productive decade, recognizing that such actions should take into account the responsibility of each country for its own development and should be in accordance with its capacity and its impact on the international economy. As in the 1980s, events now unforeseen will undoubtedly put their stamp on the coming decade. This Strategy is flexible. It seeks above all to spell out an agreed understanding on the issues and challenges, the actions and the commitments, on the basis of principles for national and international action that will remain valid.
- 11. Countries have to adapt their national policies to facilitate open exchange and flexible responses to the changing world economy. Effective national policies have a critical role

to play in achieving sustained, non-inflationary economic growth in all countries. Such policies should be supportive of investment, as well as of efficient mobilization and allocation of resources in order to achieve durable growth.

12. It is against this background that Member States agree on the goals and objectives for the Fourth United Nations Development Decade as set out below.

II. GOALS AND OBJECTIVES

- 13. The principal aim of the Strategy is to ensure that the 1990s are a decade of accelerated development in the developing countries and strengthened international co-operation. The decade should witness a significant improvement in the human condition in the developing countries and a reduction in the gap between rich and poor countries. It should be one in which ways are found for the world community to meet its needs without degrading the environment. The Strategy also has important social and political objectives. Development over the decade should enhance the participation of all men and women in economic and political life, protect cultural identities and assure to all the necessary means of survival. Each country is responsible for its own economic polices for development, in accordance with its specific situation and conditions, and for the life and well-being of all its citizens. The Strategy should help provide an environment that supports the evolution everywhere of political systems based on consent and respect for human rights, as well as social and economic rights, and of systems of justice that protect all citizens.
- 14. To achieve these fundamental aims six interrelated goals must be met. They are:
- (a) A surge in the pace of economic growth in the developing countries;
- (b) A development process that is responsive to social needs, seeks a significant reduction in extreme poverty, promotes the development and utilization of human resources and skills and is environmentally sound and sustainable;
- (c) An improvement of the international systems of money, finance and trade so as to support the development process;
- (d) A setting of strength and stability in the world economy and sound macro-economic management, nationally and internationally;
- (e) A decisive strengthening of international development co operation:
- (t) A special effort to deal with the problems of the least developed countries, the weakest among the developing countries.
- 15. These goals and objectives pose a big challenge. They call for serious and committed efforts by all countries. The developing countries themselves have the responsibility for the great effort needed to mobilize the potential of their people, to modernize and diversify their economies and to set themselves ambitious targets to build the foundation on which development rests: technical and managerial skills, industrial and agricultural capability and effective government services. Human resources development, entrepreneurship and innovation, and the energetic application of science and technology, in a context of political freedom, respect for human rights, justice and equity, are all essential and relevant to growth and development. The

Strategy has singled out a number of areas of special priority: the eradication of poverty and hunger, human resources and institutional development, population, the environment and food and agriculture. The pursuit of goals in these areas calls for resolute and vigorous action and for styles of development that establish a mutually reinforcing relationship between rapid economic growth and social objectives.

- 16. The efforts of the developing countries will, however, be easily thwarted by an unsupportive external environment. They will be thwarted if sudden external shocks decimate their national product and external revenues, as happened to many of them in the 1980s. All countries live in the international economic environment, but most developing countries remain imperfectly integrated into it and excessively vulnerable to its instability. Many are captives of external debt problems, of reduction in external resource flows, of sharply declining terms of trade and of mounting barrier to market access. Great obligations fall on the industrialized countries, which influence the international economic environment and the functioning of the international economy and are partners in international co-operation for development. Great obligations fall also on the system of international organizations to extend and fulfil their role in the promotion of development. Developing countries can prosper only in a stable and progressive world economy and. conversely, the world community can have a safe and prosperous future only if economic, social and political progress in the developing countries is assured.
- 17. The attainment of the aims of the Strategy calls for more than marginal increases in growth rates. The developing countries must be enabled to generate progressively the resources needed to ensure productive employment for a fastgrowing labour force, to overcome hunger, disease and ignorance and to raise living standards. The negative trends of the 1980s need to be reversed and conditions created for a kind of development that signifies a genuine transformation and does more than keep a growing population from the brink of famine. The time has come to move beyond adjusting to the shocks of the 1980s and to lay the foundations for a new wave of development. For most developing countries, growth rates must accelerate significantly during the decade. Growth objectives will vary from country to country. For the relatively few countries where growth in the 1980s was satisfactory, the aim would be to consolidate progress and ensure that it is sustained. In the many countries where growth was interrupted, the first requirement is a return to a path of expansion where economic growth does not merely keep pace with, but well exceeds, the growth of population. In the second half of the decade, the foundations for higher rates of growth should have been established. On the basis of the experience of some countries, it is considered that sustained growth at a rate of the order of 7 per cent would provide the necessary conditions for a genuine transformation of the economy, with rapid increases in productive employment and poverty eradication, and would generate the resources needed for the protection of the environment.
- 18. Higher rates of growth in developing countries will reflect progress in several sectors of the economy and in the pursuit of social and other goals. Although the Strategy does not seek to establish comprehensive and interrelated sectoral targets to be attained by the developing countries as a whole, many of its elements have been addressed in the various parts of the

United Nations system. They cover such areas, among others, as employment and health, women and children, industry and technology, agriculture and food, population, education and culture, shelter and settlements, telecommunications, transportation, including shipping, and the environment. Sectoral strategies and plans for significant achievements have been agreed upon by Governments. Translated into goals and objectives for both national and international efforts, ambitious and feasible targets of this kind have proved valuable in focusing policies and in monitoring progress. They also serve as reminders of the progress that can be achieved within a decade, with strong political commitment and dedicated efforts.

19. The Strategy must look beyond the constraints of the moment. A decade is not enough to work miracles, but a true decade of development would make a great difference to the world situation on the eve of the next century. Serious development problems would still persist, but the debilitating deadlock of the recent past would have been broken for many developing countries. Their living standards would be rising instead of falling, the younger generation would find employment instead of being condemned to a desperate scurry for survival, and poverty and hunger would be pushed back instead of advancing. Revived investment would lay the foundation for growth in the next century and the energies and talents of the people in the developing countries would be harnessed for building their own future. The world as a whole would be safer and more prosperous than it will if present trends continue. A continued development failure in the next decade would be an invitation to world-wide disorder.

III. POLICIES AND MEASURES

20. The policies and measures needed to support and realize the Strategy must reflect the urgency of its goals and objectives. They must aim at the acceleration of growth and give attention to issues of special priority in the development process and must respond to special situations, including those of the least developed countries. In each area, there are important policies and measures that need to be adopted in a national context by the developing countries themselves. There are equally important policies and measures that have to be adopted by the developed countries in the context of international cooperation for development. The international community as a whole must also strengthen the systems that support the sound workings of the world economy and the development process. The Strategy is thus of relevance to all countries, which must commit their best efforts to pursuing its goals within the limits of their abilities and responsibilities. The Strategy does not require unrequited sacrifices on the part of any countries. To the extent that public resources must be used in the pursuit of its goals, they represent investments in a better future world, investments that are strikingly modest by the standard of present defence budgets.

A. The reactivation of development

- Economic policy frameworks, external debt, development finance, international trade, commodities
- 21. The reactivation and acceleration of development requires both a dynamic and supportive international economic environment and determined policies at the national level. It will be frustrated in the absence of either of these requirements. The

policies and measures needed for the 1990s must therefore cover both aspects. A supportive external economic environment is crucial. The development process will not gather momentum if the global economy lacks dynamism and stability and is beset with uncertainties. Neither will it gather momentum if the developing countries are weighed down by external indebtedness, if development finance is inadequate, if barriers restrict access to markets and if commodity prices and the terms of trade of developing countries remain depressed. The record of the 1980s was essentially negative on each of these counts and needs to be reversed. The policies and measures needed to create an international environment that is strongly supportive of national development efforts in the 1990s are thus a vital part of the Strategy. So too are national policies for development. Their main elements are set out below.

The economic policy framework

- 22. A surge in development during the decade of the 1990s can take place only within supportive frameworks of overall economic policy, both national and international. The sound macro-economic management of the world economy is of paramount importance. The major industrialized countries, which broadly determine the international economic environment by their policies, have a special responsibility to bring about a stable and predictable international economic environment in which development can succeed. The adverse development environment of the 1980s was in part a consequence of restrictive policies of the earlier years of the decade aimed at combating inflation at the expense of growth. The major industrialized countries influence world economic growth and the international economic environment profoundly. They should continue their efforts to promote sustained growth and to narrow imbalances in a manner that can benefit other countries. The co-ordination of macro-economic policies should take full account of the interests and concerns of all countries, particularly the developing countries. Efforts should be made to enhance the effectiveness of multilateral surveillance aimed at correcting existing external and fiscal imbalances, promoting non-inflationary sustainable growth, lowering real rates of interest and making exchange rates more stable and markets more accessible.
- 23. The macro-economic policies of the developed countries should take account of the interests and concerns of the developing countries. During the 1980s, the developing countries were seriously affected by increases in real rates of interest and by frequent fluctuations in key exchange rates.
- 24. The economic policy framework of developing countries helps to shape the national environment for development and will need to take account of the objectives, priorities and particular circumstances of each country. But the acceleration of development will require strenuous efforts on a number of fronts. There is a need for determined policies that aim at increasing domestic savings and raising investments, as well as at improving the returns to investment. National policies must succeed in containing inflationary pressures, which often have adverse economic and social consequences that prove disruptive of development. This calls for monetary and fiscal discipline to promote price stability and external balance and the maintenance of realistic exchange rates without the need for repeated currency depreciations that have often had adverse conse-

quences on social stability and the terms of trade of developing

25. National policies must also be directed at mobilizing all the latent energies and impulses for development within the developing countries, at promoting efficiency in the allocation of resources and at taking advantage of the opportunities for trade, investment and scientific and technological progress provided by a changing global economic environment. The role of the public sector in the development process is essential. Impediments to progress caused by bureaucratic inefficiencies, strains on administration, excessive controls and neglect of market conditions by public enterprises need to be removed. The policy environment should, within the context of national goals, encourage a creative contribution by the private sector, stimulate entrepreneurship and innovation and promote the participation of the people at all levels in the development process. It should provide scope for the operation of market forces and for realistic pricing as a means to greater efficiency and soundness in the allocation of resources. The national policy framework should also enable developing countries to take full advantage of the opportunities of international trade and foreign investment, as well as promote co-operation among themselves. The effectiveness and flexibility of national policy frameworks would be enhanced in a setting of improving political institutions and legal systems. This would be reinforced by conditions that would permit declining military expenditures and thus the channelling of resources released to social and economic development.

External debt

- 26. For many developing countries, the reactivation of development will not take place without an early and durable solution to the problems of external indebtedness, taking into account the fact that, for many developing countries, external debt burdens are a significant problem. The burden of debtservice payments on those countries has imposed severe constraints on their ability to accelerate growth and eradicate poverty and has led to a contraction in imports, investment and consumption. External indebtedness has emerged as a main factor in the economic stalemate in the developing countries; there has been a large net transfer of resources from the developing to the developed countries, depriving the former of muchneeded resources for development. Development during the decade of the 1990s should not be hampered by prolonged failure to resolve the international debt problems. Accordingly, a durable and broad solution to these problems should continue to be given urgent attention as we begin the decade of the 1990s. Innovative solutions need to be found and relief obtained in the initial years of the decade.
- 27. Recent initiatives and measures to reduce the stock and service of debt or to provide debt relief for developing countries should be broadly implemented. Relief measures should aim at the resumption of vigorous growth and development in these countries and should address all types of bilateral debt of debtor developing countries. Serious consideration should be given to continuing to work towards a growth-oriented solution of the problems of developing countries with serious debt-servicing problems, including those whose debt is mainly to official creditors or to multilateral institutions.
- 28. Finding a solution to the debt problems is the joint responsibility of debtor and creditor countries, commercial

banks and multilateral financial institutions. Debtor countries should continue their efforts to attain efficiency and return to a path of sustained growth by adopting appropriate national economic policies. The creditor countries are encouraged to continue reviewing their tax policies and regulatory and accounting practices in order to facilitate commercial debt and debt-service reduction operations. The multilateral financial institutions should continue to provide support for debt and debt-service reduction packages, with the necessary flexibility, under their established guidelines. Creditor countries should support growth-oriented policies of debtor countries in order to facilitate the resumption of growth and development, as well as the prompt restoration of creditworthiness of the debtor countries.

- 29. The measures agreed upon in the Paris Declaration and the Programme of Action for the Least Developed Countries for the 1990s adopted by the Second United Nations Conference on the Least Developed Countries, held in Paris from 3 to 14 September 1990, on the external debt problems of the least developed countries should be urgently and vigorously implemented.
- 30. The Paris Club is invited to consider increasing the flexibility of its negotiating mechanism and examining the current criteria of eligibility for debt relief, as well as the scope of the initiative taken at the Toronto Economic Summit, held in June 1988, for dealing with the debt problem, taking into account, *inter alia*, the Economic Declaration adopted at the Houston Economic Summit, held in July 1990. Measures must continue to be taken to relieve the external debt burden of low-income and lower-middle-income countries whose debts are mainly to official creditors. Measures to address the external official debt problems of middle-income countries should also be seriously considered.
- 31. The external debt of the developing countries includes debts to multilateral financial institutions. These institutions must continue to find means to relieve the burdens that arise out of such debt in ways that safeguard the high standing of the institutions in financial markets, such as the World Bank Debt Reduction Facility of the International Development Association established in 1989 to provide debt relief to severely indebted low-income developing countries.
- 32. There is a close interrelationship between the external debt problem of the developing countries and the global economic environment. The debt-service burden is aggravated by rising interest rates, declining terms of trade, shrinking flows of external resources, protectionist barriers to trade and slow growth in the world economy, and would be lessened by an improvement in these factors. A marked improvement in the international economic environment, combined with appropriate national policies that take advantage of this improvement, is essential in order to solve these debt problems and avoid their proliferation among countries that have hitherto avoided their disruptive consequences.

External development finance

33. Adequate resources, both domestic and external, are an essential condition for the reactivation of development. The developing countries need to mobilize domestic resources to the greatest extent possible and implement determined policies and measures to this end. In the case of most developing countries,

domestic savings contribute by far the larger part of the resources utilized for investment.

- 34. However, the essence of the development problem is that countries that are poor have limited scope for increasing savings by restraining levels of consumption that are already low. The savings efforts of the developing countries need therefore to be supplemented by external resources so as to raise investment to the levels needed for adequate economic growth.
- 35. Furthermore, the development process is generally dependent on the flow of imported goods and services that are needed for the growth of the economy. Where export earnings fall short of import needs, the development process would be frustrated in the absence of supplementary flows of external resources.
- 36. The external economic environment of the 1980s did not favour the flow of external resources to developing countries. Falling commodity prices and protectionist trends weakened the export earnings of many countries, while the flow of development finance was impeded by constraints on aid budgets in the donor countries and, after the debt crisis of 1982, the end of net lending by commercial banks to developing countries. Because of this, developing countries became less attractive for foreign investors. By the middle of the 1980s, the net transfer of resources to developing countries on the aggregate turned negative because of the burden of debt-service payments. This trend was further compounded by losses incurred by developing countries on account of the deterioration in their terms of trade.
- 37. These trends have to be reversed in the 1990s if development is to be accelerated. A surge in the tempo of development is virtually unimaginable if the flow of external resources is from the poorer to the richer countries rather than vice versa. This would make meaningless the concept of a decade of development endorsed by the international community. The new consensus on the need for a reactivation of development and on the priorities of development policies calls for a new commitment on the part of the international community to augment the flow of development finance to the levels needed to attain these agreed goals.
- 38. A reduction in the burden of debt-service payments, as discussed earlier, is an essential requirement for reversing the negative trends relating to the flow of external resources to developing countries. But there must also be significant improvements in the flow of finance for development from the major sources of such finance, that is, official bilateral assistance, lending by commercial banks, direct private investment and multilateral financial institutions. Such improvements, when taken as a whole, should be adequate for the requirements of development finance in the 1990s. In order merely to restore a positive net transfer to the developing countries in a foreseeable future, during which no substantial flows of commercial credits can be expected, net official flows of loans and grants from all sources, which remained virtually constant at \$35 billion in the 1980s, would have to grow substantially in the first half of the 1990s.
- 39. Economic reforms and the integration of Eastern' Europe into the world market will generate substantial new demands for resources This enlargement of the international division of labour will be to the benefit of all, but such needs should be met without diversion of the flows needed by developing countries.

- 40. Official development assistance must remain an essential source of concessional aid to the developing countries, particularly to the poorest and the least developed. Aid programmes of donor countries have in many cases remained at low levels and need to be substantially improved in the 1990s. Official development assistance has, on average, remained at only half of the internationally agreed target of 0.7 per cent of their gross national product. Donor countries should, in the 1990s, implement such undertakings as they have made to reach or surpass this target, as well as the targets for the least developed countries as adopted by the Second United Nations Conference on the Least Developed Countries. There should also be continued improvements in the quality of aid as well as in its utilization. The release of resources from any reductions in military spending and the recovery in the industrial countries should ease the budgetary constraints of donor countries, and rising concern about the environment and world poverty should provide new opportunities for development co-operation.
- 41. New possibilities for increasing the flow of development finance in the 1990s should also be explored. These include proposals for devoting part of the resources that may be released by the disarmament process and reduced military spending to development and for recycling to the developing countries, through suitable mechanisms and modalities, a part of the payment surpluses of major developed countries.
- 42. Lending by commercial banks, in the aftermath of the debt crisis, has ceased to be a major source of development finance. However, a resumption of such lending is relevant in the context both of solutions to the debt problem and of the needs of the developing countries, particularly those which are not recipients of significant concessional aid. The reactivation and acceleration of growth and an improvement in the global economic environment will help restore confidence in the credit-worthiness of borrowing countries and facilitate the return of flight capital. None the less, innovative changes will also be needed to evolve instruments of lending that help cushion borrowing countries against a recurrence of debt-service problems.
- 43. Foreign direct investment, which is not generally debt creating, could play an increasingly important role as a source of development finance, particularly when international trade is growing, markets are expanding and new opportunities are opening up through scientific and technological developments. Transnational corporations are already channels for technology transfer, world trade and marketing. Many developing countries are seeking, to the extent compatible with national objectives, to establish a positive investment climate and to adopt appropriate investment codes.
- 44. The need for development finance is unlikely to be met exclusively through channels of official development assistance, lending by commercial banks and direct private foreign investment. The multilateral financial institutions could and should play a major role in the 1990s in development financing. Despite the efforts that have been made to enlarge the resources of the institutions in order to meet new needs, they will have to be considerably expanded in the 1990s. Their resources have been falling behind the growth of the world economy and especially behind that of the world capital markets. The net lending of the World Bank and regional development banks was, by the late 1980s, negligible or negative for a large number of

- developing countries. These institutions should be enabled to serve the role of intermediation between developing countries and the international capital market, for which they were designed. The conditionality associated with the use of resources should be realistic and in accordance with the need to ensure effective utilization by recipient countries.
- 45. The international monetary and financial system must evolve in the 1990s and respond to the needs of a changing world, which now calls for universal co-operation. It should become an increasingly important source of both development finance and international liquidity. It should provide greater stability and predictability in exchange rates. Developing countries should have greater influence in decisions that affect them vitally.

International trade

- 46. The goal of reactivating development requires a strongly supportive environment for international trade in general and for trade of the developing countries in particular over the decade of the 1990s. The international trading system is the pillar of an interdependent world economy and should establish conditions of openness and fairness in the interest of all countries. Growth and development and the solution of the pressing problems facing the developing countries are dependent on an open and credible multilateral trading system based on the principles of non-discrimination and transparency. Outwardlooking development policies and export-based industrialization will not succeed if export markets are limited by restrictive barriers. The international trading system will function best in an environment of growth and dynamism in the world economy, an environment to which the system itself will contribute, but it needs to be strengthened further in the 1990s by specific actions and measures.
- 47. Policies and measures in the area of international trade must be directed, in the first place, at arresting and reversing trends, particularly apparent during the 1980s, towards the erosion of the multilateral trading system as a result of unilateralism, bilateralism and protectionism. The international organizations in the field of trade should be strengthened to play their part in the achievement of this objective. Many new issues that reflect the changing nature of the world economy are pertinent to the evolution of the international trading system. But the strengthening of the trading system also requires the resolution of a number of ongoing issues, some of which are of special interest to developing countries and are crucial to the development process.
- 48. The acceleration of development in the decade of the 1990s should, *inter alia*, be supported by the following actions and measures in the field of international trade:
- (a) Full and effective implementation of the commitment to halt and reverse protectionism, as undertaken in the Ministerial Declaration on the Uruguay Round of multilateral trade negotiations. Protectionist trends of the 1980s have an adverse impact on the world economy and on the development process and performance of the developing countries and should not continue in the 1990s. Recourse to non-tariff barriers of various kinds, which has tended to increase in recent years, has affected the exports of developing countries;
- (b) Trade liberalization and a sustained improvement in the access of developing country exports to the markets of both

developing and developed countries through the reduction and removal of tariff and non-tariff barriers. Rapid structural adjustment in the developed countries in line with shifting comparative advantages will facilitate market access for the growing export capabilities of developing countries that arise in the course of their economic transformation. The rules of the international trading system recognize the need for differential and favourable treatment of developing countries in the context of the other principles set out in the Ministerial Declaration on the Uruguay Round. This need should be reflected in the functioning of the system;

- (c) Liberalization of trade in tropical products and natural resource—based products. This should include ending the escalation in tariffs on processed primary products;
- (d) Bringing trade in textiles under the normal rules of the General Agreement on Tariffs and Trade;
- (e) Progressive and substantial reduction of support and protection in the field of agriculture;
- (f) Effective implementation and appropriate improvement of the generalized system of preferences, expansion of product coverage, duty-free treatment and adherence to the principles of non-reciprocity and non-discrimination in its application;
- (g) Measures to ensure that regional economic integration and the formation of trade blocs will not impede the growth of world trade and are in conformity with the rules of the General Agreement on Tariffs and Trade. In particular, it is necessary to ensure that such developments do not result in additional barriers to developing country exports;
- (h) Strict adherence to the rules and principles of the General Agreement on Tariffs and Trade by all contracting parties.
- 49. Developing countries should endeavour to liberalize their trade regimes in ways consistent with their development objectives so as to improve the efficiency and flexibility of their economies and their participation in the world economy. They should create trade opportunities among themselves and promote more rapid industrialization, in particular through the effective implementation of the Global System of Trade Preferences. There is great potential for economic integration among developing countries, and new efforts should be made during the 1990s to establish effective subregional and regional market arrangements among them.
- 50. The successful and balanced conclusion of the Uruguay Round of multilateral trade negotiations, which aims at strengthening the international trading system, is crucial for progress in the 1990s. The treatment of new issues, hitherto outside the scope of the rules of the system, should take account of the development dimension and of the need for developing countries to build up their own capabilities. The dialogue and negotiations about required improvements in the international trading system should be continued and expanded in the 1990s. The dialogue should focus, *inter alia*, on an equitable balance of interest between developed and developing countries, the adaptation and reform of the system to ensure its relevance to the changing patterns of international trade, and the need to ensure greater coordination between international trade and financial policies.

Commodities

- 51. The terms of trade of the developing countries are an important aspect of the international economic environment for development. The depressed levels of commodity prices and earnings of developing countries from commodity exports were an important element in the slowing down of the development process in many developing countries in the 1980s. Technological change played some part in depressing the long-term trend of demand for certain commodities. But slow growth and instability in the world economy and persistently high supplies were factors of critical importance. Commodity exports will continue to play a key role during the 1990s in the economies of most developing countries and will remain crucial to their export earnings and livelihood. For these countries, the reactivation of development during the decade will prove difficult in the face of continued weakness in their commodity sectors and terms of trade and will require a flexible response on the supply side to changing market conditions. The Strategy must aim at better functioning of commodity markets with greater transparency and more stable and predictable conditions. There is scope for improving international commodity policies in a number of ways.
- 52. The Integrated Programme for Commodities sought to improve the functioning of commodity markets through commodity agreements between producers and consumers, with support from the Common Fund for Commodities. The negotiation and renegotiation of such agreements proved difficult in the rapidly changing world economy of the 1980s, and a number of existing agreements broke down. There has been hardly any lasting improvement in most commodity markets since then, and the need for remedial action remains urgent. Commodity agreements between producers and consumers that improve the stability, transparency and functioning of markets and reflect long-term market trends benefit both producers and consumers, and efforts should be made to negotiate or renegotiate agreements of this type in the 1990s. The first window of the Common Fund was established for the specific purpose of supporting such international commodity agreements.
- 53. The diversification of the economies of developing countries and their increased participation in the processing, marketing and distribution of their commodities is of the utmost importance. The second window of the Common Fund for Commodities should be effectively used in this regard, particularly for technical assistance and for commodity-specific programmes for horizontal and vertical diversification, especially for the least developed countries. The diversification process should also be supported through the provision of improved market access for primary and processed commodities. Cooperation among developing countries could also play a significant role in the processing, transportation and marketing of commodities.
- 54. Compensatory financing is an important means of cushioning developing countries, in particular the least developed countries, against commodity-related shortfalls in export earnings. Existing compensatory financing schemes, particularly the Compensatory and Contingency Financing Facility of the International Monetary Fund, should be strengthened as appropriate.

Science and technology, industrial policies and measures, agriculture

55. A solution to the debt problem, adequate resource flows and a supportive environment in the areas of international trade and commodity markets are among the prerequisites for the reactivation of development during the 1990s. But a sustained acceleration of the development process will not take place unless developing countries modernize and transform their industrial and agricultural sectors and participate in the progress made possible by advances in science and technology. National policies in these areas must reflect the particular situations. But many issues have strategic aspects that are widely relevant. These are set out in the paragraphs that follow, as a guide both to national efforts and to the support that is possible and needed through international development co-operation. In virtually all areas of effort, there is scope and need for supportive financial and technical assistance from donor Governments, multilateral lending institutions and international agencies. There are also possibilities and requirements for co-operation among developing countries.

Science and technology

- 56. The reactivation of development in the decade of the 1990s on a sustained basis will be linked to the ability of the developing countries to participate in the rapid advances in science and technology that have characterized the global economy in recent years and will continue in the future. Knowledge is today a crucial determinant of economic progress. The knowledge gap between the developed and the developing countries has been widening, and policies and measures are needed to help narrow it over the coming decade. High priority must therefore be given by the developing countries to raising their endogenous capacities and capabilities in this area.
- 57. Development and modernization in a setting of rapid advances in science and technology call for the establishment and strengthening of scientific cadres and for upgrading the skills of the work force. Developing countries, in their plans and policies, should emphasize policies and measures that enhance their scientific and technological capability and should devote adequate resources to that end. Such policies must range from the expansion and adaptation of their educational systems, including vocational education, to the building up of scientific and technological research and development capabilities.
- 58. Policies and measures in this field should seek to enhance the capacity of developing countries to utilize scientific and technological developments from abroad, as well as to modify and adapt them to suit local conditions. Such policies should also aim at traditional technologies that are capable of being developed as a means of raising productivity.
- 59. Building the scientific and technological capability of developing countries calls for external assistance in research and development, in the establishment and strengthening of institutions in the area of science and technology, in the diffusion of new technologies and in the training of scientific cadres. Developing countries should not be discriminated against with regard to commercial access to science and technology for development purposes. Commercial channels for the import of technology, including direct foreign investment, are especially relevant and should be utilized on suitable terms and conditions. In addition, with respect to access to and transfer of technology on conces-

- sional and preferential terms, in particular to developing countries, effective modalities should be examined with a view to implementing and enhancing such access and transfer as much as possible.
- 60. The international community should also review ways in which the intellectual property system can promote more effectively the economic and technological development of all countries, particularly the developing countries, and in which intellectual property can be effectively protected. Work on the international code of conduct on the transfer of technology should also be completed.
- 61. There is considerable scope for co-operation among developing countries in the development of science and technology. The developing countries could help each other through the establishment of common institutions and centres for research and training, the pursuit of joint projects for technological research and development, the offer of facilities for education in science and technology among themselves and the exchange of information. Science and technology must be given a prominent place in schemes for co-operation among developing countries at the global as well as at the regional and subregional levels.

Industrial policies and measures

- 62. An acceleration in the process of industrialization must be a central element in the economic transformation of most developing countries and in the reactivation of development in the 1990s. Given the limits to agriculture as a means of providing increased employment and additional external earnings, industrialization becomes indispensable for sustained economic growth and social development. It is also through industrialization that developing countries could make use of many of the opportunities provided by advances in science and technology and by international markets. Policies and measures to promote industrialization must thus be a major plank in the Strategy.
- 63. Some notable exceptions apart, manufacturing industry stagnated in many developing countries during the 1980s. These countries experienced a chronic underutilization of existing industrial capacity, a lack of maintenance, import constraints and technological obsolescence. These problems were at times compounded by mismanagement. For these countries the rehabilitation of their industrial sectors and an end to the underutilization of capacities must be objectives of priority. The rate of industrialization will obviously vary among countries, but for many countries, especially for those where manufacturing industry was set back in the 1980s, historical experience suggests that the objective should be to raise it significantly, say, to 8 to 10 per cent.
- 64. Industrial progress requires investments directly related to increasing manufacturing capacity. It is also dependent on an improved and modernized infrastructure in such areas as communications and transport, power and banking and finance. It is dependent, too, on a supportive policy framework in the fiscal and monetary fields. Not least, it is crucially dependent on managerial and technical skills and on a trained and efficient work-force. Industrial development must also make use of linkages with other sectors of the economy, particularly the rural sector, which could supply both materials and markets for industrial growth. These subjects must form an integral part of the policies and measures that developing countries need to take

for industrial progress during the decade. But there are also certain other major issues of policy that are central to faster progress in industrialization and that may call for new orientations. These are outlined below.

- 65. One such issue concerns the relative roles of the public and private sectors. In the past, many developing countries, anxious to speed up industrialization and faced with a weak and inexperienced private sector, sought to establish manufacturing enterprises owned and run by governmental entities and enjoying a high degree of protection. Experience has shown that there can be limitations to such an approach, particularly when administrative capacities are strained. State-run enterprises can be hampered by bureaucratic rigidity and inefficiency, and lack flexibility, competitiveness and innovative power. The capabilities of the private sector have grown in many countries and there is considerable scope for enhancing the contribution that private enterprise can make to a dynamic process of industrialization. Entrepreneurship should be encouraged at all levels for the setting up of industries. There is usually a strong potential for the development of medium- and small-scale industries that could also contribute to enlarging both urban and rural employment opportunities. Where industries are under public ownership, efficiency should be improved through measures that increase their flexibility and their ability to respond to changing conditions.
- 66. Another issue is that of industrial production for exports as against production for the domestic market and import substitution. The establishment of industries supplying domestic markets is desirable because of market proximity, linkages with other sectors and reduced dependence. But there are often limits to the scope for import-substituting industries, particularly where markets are small. In these cases, policies based excessively on import substitution supported by highly protective barriers result in high cost and inefficiency. Production for export is a means of overcoming these limitations. It becomes a virtual imperative where the scope for additional agricultural exports is limited. It is also a means of keeping step with technological progress and of closer integration with global markets, since exports call for efficiency and competitiveness.
- 67. The goal of industrialization calls for the building up of domestic ownership and national managerial and technological capabilities. But direct foreign investment can make an important contribution to industrialization. Such investment not only provides additional resources, but is also a means of having access to modern technologies, skills and markets. The rules and regulations of developing countries should encourage direct foreign investment in ways in which mutual interests are furthered. The constraints to the flow of external resources from other sources give added importance to direct foreign investment as a means of augmenting this flow.
- 68. The progress of industrialization in developing countries, and of outward-looking development in general, is closely related to openness and non-discrimination in international markets. The implementation of the measures needed in this area, as set out in the section on international trade, such as the lowering of tariff and non-tariff barriers and measures to further structural adjustment in the developed countries, form an important part of the strategy for industrialization.
- 69. Industrial progress in developing countries can also be significantly enhanced through co-operation among such

countries at the global, regional and subregional levels. The integration of markets of developing countries, the setting up of joint ventures and programmes for training and upgrading skills must be among the objectives of policies and measures to promote industrialization during the 1990s.

Agriculture

- 70. For many countries, agriculture, with its large contribution to the national economy, will remain the principal means for the revitalization of economic growth during the 1990s. To the extent that countries depend on the export of agricultural commodities to world markets, progress will be closely related to the implementation of the measures outlined earlier for strengthening international trade in commodities. But agricultural production in the developing countries also meets the production requirements for the domestic market for food and other products of both the farming and the non-farming population. The acceleration of development calls, therefore, for a special focus on policies and measures aimed at raising agricultural output and at strengthening food security and self-reliance in food.
- 71. The transition from a traditional system of cultivation, sometimes at a subsistence level, to modernized agriculture should be the underlying aim of agricultural policy. In many developing countries, the pressures on available land are already high and there are limits to what can be achieved through an extension of the area under cultivation. Where such possibilities remain, measures could be taken to bring new land under cultivation through programmes of irrigation and land settlement, provided that adverse environmental consequences, such as could arise from excessive forest clearing, are avoided. In great part, however, progress in agriculture is heavily dependent on raising productivity on lands already under cultivation. The scope for this could be large given the gap, often wide, between current productivity and technical potential.
- 72. There are several important components of the policies and measures needed for raising agricultural production and productivity. An annual rate of growth of the order of 4 per cent on average in food production would make a major contribution to food security and support agro-industrial development. But the great diversity of country situations means that there is no single set of policies of general applicability. Success will often depend on the removal of key constraints, which vary greatly from country to country. However, policies and measures based on the considerations set out below will be of broad applicability.
- 73. Success in reaching the potential for raising agricultural productivity requires a farming population possessed of the knowledge, the incentives and the means required for this purpose. Improving the knowledge and skills of farmers calls for the diffusion of technology relating to agricultural practices and the use of improved varieties, as well as for the continued development and adaptation of technology through research. This underlines the importance both of effective extension efforts and services and of measures to enhance the capabilities of research institutions. The successful adoption of better methods and technologies is crucially dependent on incentives that link the use of superior methods to prospects for farmers to improve their standard of living. The price incentive is especially important, particularly in the context of the transition from

subsistence farming to modernized agriculture. Policies that depress the prices of farm output in order to protect or subsidize living costs for the population at large are often counterproductive. A policy framework that permits more realistic prices that better reflect market situations often yields better results. Such a framework must also remove the shortcomings in marketing, distribution and storage that lead to an excessive gap between retail and farm prices.

- 74. Farmers must also have access to the means of raising agricultural productivity. Economic units of land and secure systems of tenure are often prerequisites for agricultural progress. Facilities for irrigation and a strong infrastructure of transport, communications and power, as well as other services that overcome the remoteness of rural areas, are among the others. A strong network of rural banking and credit is also vital to help farmers procure inputs and make the investments needed for raising production.
- 75. Policies and measures aimed at raising agricultural production need to take account of the linkages between agriculture and other sectors of the economy. The link with the industrial sector is especially important, since industry is a source of farm inputs and of consumer goods for the rural population, as well as a source of demand for agricultural products. Agro-industries located in rural areas can provide both a stimulus to agriculture and a source of employment for underutilized labour. In a more general sense, there is also a close link between the productivity of farmers and the extent and quality of educational and health services and of housing available to the rural population.
- 76. There is often considerable potential for improving the contribution of women to agricultural progress. In most developing countries, women form an important part of the active farming population and of the agricultural labour force. Policies and measures to increase their productivity and involve them more in key decisions should raise their contribution to output and their incomes. Schemes for rural self-help and for the mobilization of labour for community development and for the upgrading and maintenance of the rural infrastructure can also play an important part in the drive for agricultural progress.
- 77. A number of steps are also needed at the international level. Finance for investments in the agricultural sector and technical assistance should form part of programmes for development cooperation, both bilateral and multilateral. Developing countries should have assured access to advances in such fields as biotechnology and genetic engineering, at appropriate costs. The removal of existing distortions in international trade in agriculture is also essential. In particular, the achievement of this objective requires that there be substantial and progressive reduction in support and protection of agriculture - covering internal regimes, market access and export subsidies - in order to avoid inflicting large losses on the more efficient producers. especially in developing countries. Special importance is attached to the successful outcome and effective follow-up of the Uruguay Round in the areas of agriculture, tropical products and natural resource-based products, taking account of the needs of the net food-importing developing countries.

B. Priority aspects of development

78. An acceleration in the rate of economic growth is an essential objective for the 1990s. It is a condition for expanding

the resource base of the developing countries and hence for economic, technological and social transformation. But economic growth by itself does not ensure that its benefits will be equitably distributed or that the physical environment will be protected and improved. Yet, if poverty persists or increases and there is neglect of the human condition, political and social strains will grow and endanger stability in the 1990s and beyond. Similarly, if environmental damage and degradation increases, the natural resource base of the developing countries and the welfare of populations will be harmed and progress in development itself will become unsustainable. The Strategy must therefore give special attention to the policies and measures needed in the areas of poverty alleviation, human resource development and the environment. It must also pay special attention to the related areas of population growth and the elimination of hunger. The decade of the 1990s must witness a significant improvement in the human condition everywhere and establish a mutually reinforcing relationship between economic growth and human welfare. The need to strengthen this relationship is, in fact, a principal theme of the present Strategy. It has not only to be reflected in national efforts but must also be promoted by the international community through financial and technical support.

1. Eradication of poverty and hunger

- 79. The international community, noting the severity of problems related to poverty in developing countries, agrees that the objective of eradicating poverty is of the highest priority. It is encouraging that a broad consensus is emerging on strategies to be pursued towards the achievement of this goal.
- 80. The goal of eradicating poverty calls for policies and measures on two broad fronts. It calls, in the first place, for a style of development in which economic progress is distributed as widely as possible and not concentrated excessively on a few localities and sectors or limited groups of the population. It also requires, to the extent that poor and vulnerable sections of the population are not reached by this process, special and supplementary programmes and actions that are directly targeted to bring benefits to these groups.
- 81. The generation of employment and income through productive occupation is a major means of eradicating poverty since the absence of adequate income owing to landlessness or the lack of opportunities for work is a prime cause of poverty. Development programmes and processes that provide employment on a large scale are thus an essential need. The sectors and regions in which development takes place and the technologies adopted must be such as to have a significant impact on employment. This must be an important consideration in establishing the balance between growth in the agricultural, industrial, construction and service sectors. The creation of employment and income through the activation of the informal sector of the economy and through the expansion of self-employment activities should also be an important part of policies to improve income and eradicate poverty.
- 82. Progress in development, even when occurring on a broad front, might still bypass significantly large sections of the population, particularly the poorest and most vulnerable. Special programmes and measures that are aimed directly at increasing their real income are thus likely to prove necessary. These could include the provision of cheap and subsidized food and

other essentials, as well as income support for the poorest and the destitute. They could also include programmes of training and of mobilization of labour for local self-help and community development as well as for production. Such programmes establish a link between activities aimed at the eradication of poverty and productive activities. The provision of facilities at low cost in such areas as health, education and transport is also a means of raising the real income of the poor. Measures to relieve homelessness or poor housing should be another major aspect of poverty eradication programmes. The increase in the number of homeless people in many developing countries has been one of the serious manifestations of the deteriorating human condition, and the improvement of human settlements as agreed in the Global Strategy for Shelter to the Year 2000 should be part of the crucial effort in this field.

- 83. Women and children are a particularly vulnerable group in situations of poverty. Policies and measures for poverty eradication should have a particular focus on their needs and give special attention to maternal and child health care and to nutrition. Food security is also a major aspect of the fight against hunger and poverty and calls for an integrated approach to food production and consumption.
- 84. Policies and measures that are specifically directed at poverty eradication must carefully target that part of the population which is in need. Subsidized facilities and services that are general in scope and bring benefits to groups that are not in need are nominally costly and impose excessive strains on the limited resources available to developing countries. Subsidies of a general nature could also contribute towards distorting prices and may, as in the case of food, have adverse effects on incentives for domestic production.
- 85. Developing countries need not await the transformation in per capita income to do away with the extremes of poverty, particularly hunger and destitution. Some developing countries with low per capita incomes have succeeded in obtaining relatively good results in the social field. In the long run, however, economic growth is needed to raise living standards and eliminate poverty. Long periods of stagnation or low growth might make unsustainable the initial gains in the social area.
- 86. The struggle against poverty is the shared responsibility of all countries. The eradication of poverty, as well as broad humanitarian and social goals, such as advancement in the quality of development, broad participation, larger choice and better opportunities for all men and women, need and should have the full support of the international community. A substantial reduction in hunger and malnutrition is within reach. There is considerable scope for international food aid going beyond emergency situations. Member States must give effect to agreements already reached to make all efforts to meet four goals during the decade:
- (a) The elimination of starvation and death caused by famine:
- (b) A substantial reduction in malnutrition and mortality among children;
 - (c) A tangible reduction of chronic hunger;
 - (d) The elimination of major nutritional diseases.

2. Human resource and institutional development

87. Human resource development has the closest of interactions with the process of economic and technological trans-

formation. In a broad sense, it covers a wide range of activities that release the creative potential of the individual and determine the style of development. Each country has to choose its approach to human resource and institutional development in accordance with its national priorities, values, traditions and cultures and stage of development. Education and health are, however, essential aspects of human resource development and must receive special attention.

- 88. Education is both a basic human need and a prerequisite for the achievement of the other objectives of development. The educational skills of the labour force determine to a large extent a country's competitive strength and its capacity to adjust to new and sophisticated technologies. In a number of developing countries, expenditure on education declined in absolute or relative terms during the 1980s against the background of a worsening economic situation, and there was a resulting deterioration in the quality of education. Attention needs to be given, in the light of country situations, to each of the aspects of the educational system. The eradication of illiteracy needs special emphasis, including its eradication among women. A target of reducing adult illiteracy by at least one half during the decade has already been set by the international community. But a sound base of primary and secondary education is a basic requirement. Policies and measures in this area must provide for the relatively rapid increase in the school-age population that accompanies the growth of population common to most developing countries. In fact, the goals for the decade of providing universal access to basic education and of the completion of primary education by at least 80 per cent of the school-age group have been internationally accepted. This calls for adequate resources, both financial and administrative, capital and current, for the provision of facilities and materials and for the recruitment of teachers. At the same time there is a need to ensure that the expansion of the educational base does not result in a deterioration of quality and is supported by policies to train and retain teachers. The content of education at the primary and secondary level must also be relevant to a country's need for economic, social and political progress. In the framework of action to meet basic learning needs, it is important to ensure the speedy implementation of the World Declaration on Education for All, adopted by the World Conference on Education for All.
- 89. The increasingly important role that knowledge plays in determining economic progress in a rapidly changing global environment of science and technology gives a new urgency to upgrading and transforming the scientific, technological, entrepreneurial and managerial aptitudes of the population. This calls for an emphasis on higher education and on the development of the institutional base for the training of skilled cadres as well as for vocational training. It also calls for policies and incentives that are conducive to retaining skilled personnel in their countries on a voluntary basis. The skills of the work force at all levels may well be the key to progress in the 1990s and beyond.
- 90. In the field of health services, special attention needs to be given to primary health care and the prevention of chronic diseases, as well as to general development objectives such as sanitation, safe drinking-water and nutrition. This will help relieve the strains on the curative medical system to which increasing numbers tend to have recourse as a result of population growth, education and social change. Policies and measures

in the field of health need to give special attention to women and children. Several targets for the decade have already been agreed upon by the international community. These include the reduction of under-five mortality rates by one third or 70 per 1,000 live births (whichever saves more lives); the reduction of malnutrition among children under five by one half; and the halving of maternal mortality rates. The participatory and environmental aspects of health care should be emphasized in the design of programmes. There should also be a special focus on preventing the spread of epidemics and other diseases that are endemic in many developing countries. Urgent steps also need to be taken for the control and prevention of acquired immunodeficiency syndrome (AIDS).

- 91. As in the field of education, policies and measures for health must give increased attention to institution-building and the training of skilled health personnel at all levels. Here again, conditions have to be created that encourage the retention of skilled cadres.
- 92. Human resource development could also be promoted by cooperation among developing countries. Developing countries could benefit by opening to each other their centres of quality for higher education and training. They could benefit by the exchange of teachers and of personnel in the field of health and by the sharing of experiences. They could also profit from the joint operation and management of institutions for human resource development, particularly at the regional and subregional levels.
- 93. The developed countries have an important role to play in promoting human resource and institutional development. Apart from investment support and technical assistance for the supply and use of equipment and for curriculum development, a major contribution can be made by the developed countries through the provision of facilities for the training of skilled cadres. Education abroad has always played an important part in training in developing countries. But in the 1990s and thereafter, its role can be vastly enhanced because of rapid developments in the field of knowledge and the urgent need of the developing countries for larger cadres of skilled personnel. At the same time, the developing countries should be assisted in building up their own institutions for training and higher education. As development progresses, there is need for them to enhance their self-reliance in this field.
- 94. Human rights and human development are ends in themselves. All human resource activities are mutually reinforcing. Careful analysis, policy design and effective management in education and health programmes will be required, and the support of agencies of the United Nations system should play a vital role. Given the interrelated nature of human resource development activities, inter-agency coordination in education, health, nutrition, housing, employment, child welfare and the advancement of women requires close attention. There should be programmes to integrate the elderly in development.

3. Population

95. Population programmes should be integrated with economic goals and strategies. The 1990s will see the largest increase in the population of developing countries of any decade in history, an increase of well over 20 per cent. The decade will also witness the aging of the world population. The demographic situation varies among countries, but in most developing

countries a lowering of the rate of population growth will relieve the strains on the social situation, economic growth, the environment and natural resources. Population growth rates are in fact beginning to decline in a number of developing countries. Over half of the developing countries are pursuing active policies to reduce the rate of population growth and important lessons have been learned from this experience. The education of women, improved maternity and child care and family planning services suited to the socio-cultural environment of individual countries have proved to be effective and successful instruments of population programmes and should be further pursued and strengthened. Assistance to developing countries in the area of population should be substantially increased during the 1990s. Developing countries should also intensify their efforts to allocate adequate resources to population programmes.

4. Environment

- 96. The current threat to the environment is the common concern of all. All countries should take effective action for the protection and enhancement of the environment in accordance with their respective capacities and responsibilities and taking into account the specific needs of developing countries. As the major sources of pollution, the developed countries have the main responsibility for taking appropriate measures urgently. The economic growth and development of developing countries are essential in order to address problems of the degradation and protection of the environment. New and additional financial resources will have to be channelled to developing countries. Effective modalities for favourable access to, and transfer of, environmentally sound technologies, in particular to developing countries, including on concessional and preferential terms, should be examined.
- 97. The General Assembly, in its resolution 44/228 of 22 December 1989, has set important goals for the United Nations Conference on Environment and Development in 1992. These goals need to be realized.

IV. SPECIAL SITUATIONS, INCLUDING THOSE OF THE LEAST DEVELOPED COUNTRIES

- 98. Over two decades ago, the United Nations adopted criteria to identify the countries that were economically the weakest among the developing countries and that faced the most recalcitrant structural problems. It was recognized that those countries, designated the least developed countries, needed special support measures from the international community in their efforts to transform their economies and to improve their prospects for sustained development. In 1981, the United Nations Conference on the Least Developed Countries adopted the Substantial New Programme of Action for the 1980s for the Least Developed Countries, in which a number of measures to support the development process in those countries were agreed upon. The measures included the selling of a target of 0.15 per cent of the gross national product of the developed countries for concessional aid to the least developed countries.
- 99. However, those very countries, and others that were among the poorest and the weakest, were the hardest hit by the difficulties that arose in the 1980s on the world economic scene. In terms of the criteria initially adopted, the number of countries falling into the category of least developed countries instead of declining as a result of successful development actually

increased from 24 in 1972 to 41 in 1990. The measures taken by the international community to support the least developed countries did not suffice to offset the adverse factors that affected their development experience in the 1980s. In the light of developments in the world economy there is a risk that those countries will become increasingly marginalized; this risk needs urgently to be avoided.

100. The Second United Nations Conference on the Least Developed Countries was held in Paris in September 1990. It underscored the principle of shared responsibility and strengthened partnership for the growth and development of the least developed countries and called for mutual commitments and strengthened joint efforts on the part of both the least developed countries and their development partners. The programme of action adopted by the Conference needs to be fully implemented. Broad requirements have been set out. The present official development assistance targets, as agreed on at the Conference, should, in the first instance, be met. Special attention is needed to facilitate increased access of exports of the least developed countries to major markets. Enhanced compensatory financing for export earnings shortfalls should be considered. Donors should take the necessary steps to provide further bilateral concessional debt forgiveness to the least developed countries. All donors are urged to implement Trade and Development Board resolution 165 (S-IX) of 11 March 1978 as a matter of priority in such a way that the net flows of official development assistance should be improved for the recipient. The Paris Club should consider the application of the terms agreed upon at the Toronto Economic Summit to all the least developed countries in accordance with established procedures and criteria: the Toronto options should be reviewed, taking into account the communiqué of the Houston Economic Summit; and proposals for further debt relief should be examined urgently. Financial institutions, particularly those providing non-concessional credits, are invited to give serious attention to measures to alleviate the burden of the debt that least developed countries owe to them.

- 101. The special development problems of the landlocked developing countries and of the island developing countries also call for special attention. Measures are needed to lift the constraints on their development arising from the special transportation and communications problems they face, from their limited internal markets and from their high degree of vulnerability to environmental damage and natural disasters.
- 102. These measures should aim at reducing the cost to those countries of access to and from the sea and world markets, improving the quality, efficiency and reliability of transit-transport facilities and diversifying their economies.
- 103. The organs, organizations and bodies of the United Nations system have a special responsibility for the pursuit of the goals and objectives of the present Strategy. The system has played a unique role in bringing the development issue to the attention of the international community. Through its studies on the several aspects of the development problem, both national and international, through the international conferences it has convened on major issues, through the understandings, conventions and agreements it has helped to negotiate some of them of a legal or quasi-legal character and not least through the technical assistance it has provided to developing countries, it has made an invaluable contribution to ideas,

policies and actions in the realm of development. This role must not only continue but must be strengthened and expanded in the 1990s with the support and encouragement of Member States.

- 104. Virtually every aspect of the Strategy falls within the areas of concern of the various parts of the United Nations system. In many such areas and sectors, goals and target for the coming decade and the actions needed for realizing them have already been agreed upon by Member States and are crucial to the implementation of the Strategy. The Strategy also provides guidelines for further work on the evolution of policies and programmes and on seeking agreements for new actions. Major conferences of the United Nations system are already scheduled for the initial years and there will be others in the period beyond. These will be important occasions for reaching agreements that give more specific content to the actions and commitments needed to realize the goals of the Strategy.
- 105. The organs, organizations and bodies of the United Nations system thus have a vital role to play in furthering the analytical work of relevance to the elaboration and implementation of the Strategy, in promoting and securing the international co-operation needed and in providing technical assistance. The work of the international system should be given greater coherence by closer inter-agency co-operation and co-ordination and by organizational measures that strengthen the contribution of the system to development. The Strategy provides an initial framework for these objectives. The review of the functioning of the United Nations system should continue to be pursued with this aim in view; all of its Member States have a responsibility for making it more effective and efficient.
- 106. The Secretary-General is encouraged to continue, by such means as he deems appropriate, his efforts to facilitate the solution to the debt problems of developing countries, taking into account all relevant proposals. In addition, the relevant organs and bodies of the United Nations system should undertake follow-up measures pertaining to the Uruguay Round of multilateral trade negotiations.
- 107. The growing interdependence in the world economy and the increasing linkages between various issues, such as money and finance, trade and development, give a new urgency to the coordination of macro-economic policies and management at the international level. The United Nations should play its role in this area as envisaged in the provisions of the Charter relating to the functions of the Economic and Social Council.

VI. REVIEW AND APPRAISAL

- 108. A process of review and appraisal should be an integral part of the Strategy so as to ensure its effective implementation. This process should be undertaken at the national level by the respective Member States. But it needs also to be undertaken within the United Nations system at the global, sectoral and regional levels. It should provide an opportunity to give the necessary political stimulus, in the light of evolving needs and developments. It must be expected that conditions in the course of the decade will change in ways that cannot now be foreseen, and there is thus a case for permanent monitoring and periodic review, allowing, when necessary, for amendments and revisions to the Strategy.
- 109. The recent events in the Gulf region are having repercussions on the immediate economic outlook of many

countries, particularly in energy and trade balances. While it is not possible, in view of the uncertainties, to take account of them at present, it is important to keep the situation under review to determine whether in the context of the Strategy additional measures are required.

- 110. The organs, organizations and bodies of the United Nations system will play an important catalytic role in the implementation of the goals and objectives of the present Strategy in their respective areas of competence.
- 111. The machinery for continued monitoring exists: the various agencies of the United Nations system and the regional commissions issue annual reports, which, in effect, monitor the state of progress in virtually every area of international develop-
- ment. Governments participate in numerous debates in the specialized agencies, the Economic and Social Council and the General Assembly, in which the state of progress in international development is a major theme. In this sense, review and appraisal is already built into the procedures of the United Nations system.
- 112. Nevertheless, review and appraisal relating directly to the progress of the Strategy as a whole is also needed on a periodic basis. This should be carried out triennially by the General Assembly through the Economic and Social Council, with an item on the implementation of the Strategy included in their agendas. The Secretary-General should submit appropriate recommendations in order to assist in this process of review and appraisal.

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit

11 December 1995

CHAPTER I SCOPE OF APPLICATION

Article 1 Scope of application

- 1. This Convention applies to an international undertaking referred to in article 2:
- (a) If the place of business of the guarantor/issuer at which the undertaking is issued is in a Contracting State; or
- (b) If the rules of private international law lead to the application of the law of a Contracting State, unless the undertaking excludes the application of the Convention.
- 2. This Convention applies also to an international letter of credit not falling within article 2 if it expressly states that it is subject to this Convention.
- 3. The provisions of articles 21 and 22 apply to international undertakings referred to in article 2 independently of paragraph 1 of this article.

Article 2 Undertaking

- 1. For the purposes of this Convention, an undertaking is an independent commitment, known in international practice as an independent guarantee or as a stand-by letter of credit, given by a bank or other institution or persons ("guarantor/issuer") to pay to the beneficiary a certain or determinable amount upon simple demand or upon demand accompanied by other documents, in conformity with the terms and any documentary conditions of the undertaking, indicating, or from which it is to be inferred, that payment is due because of a default in the performance of an obligation, or because of another contingency, or for money borrowed or advanced, or on account of any mature indebtedness undertaken by the principal/applicant or another person.
 - 2. The undertaking may be given:
- (a) At the request or on the instruction of the customer ("principal/applicant") of the guarantor/issuer;
- (b) On the instruction of another bank, institution or person ("instructing party") that acts at the request of the customer ("principal/applicant") of that instructing party; or
 - (c) On behalf of the guarantor/issuer itself.
- 3. Payment may be stipulated in the undertaking to be made in any form, including:
 - (a) Payment in a specified currency or unit of account;
 - (b) Acceptance of a bill of exchange (draft);
 - (c) Payment on a deferred basis;
 - (d) Supply of a specified item of value.
- 4. The undertaking may stipulate that the guarantor/ issuer itself is the beneficiary when acting in favour of another person.

Article 3 Independence of undertaking

For the purposes of this Convention, an undertaking is independent where the guarantor/issuer's obligation to the beneficiary is not:

- (a) Dependent upon the existence or validity of any underlying transaction, or upon any other undertaking (including stand-by letters of credit or independent guarantees to which confirmations or counter-guarantees relate); or
- (b) Subject to any term or condition not appearing in the undertaking, or to any future, uncertain act or event except presentation of documents or another such act or event within a guarantor/issuer's sphere of operations.

Article 4 Internationality of undertaking

- 1. An undertaking is international if the places of business, as specified in the undertaking, of any two of the following persons are in different States: guarantor/issuer, beneficiary, principal/applicant, instructing party, confirmer.
 - 2. For the purposes of the preceding paragraph:
- (a) If the undertaking lists more than one place of business for a given person, the relevant place of business is that which has the closest relationship to the undertaking;
- (b) If the undertaking does not specify a place of business for a given person but specifies its habitual residence, that residence is relevant for determining the international character of the undertaking.

CHAPTER II INTERPRETATION

Article 5 Principles of interpretation

In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in the international practice of independent guarantees and standby letters of credit.

Article 6 Definitions

For the purposes of this Convention and unless otherwise indicated in a provision of this Convention or required by the context:

- (a) "Undertaking" includes "counter-guarantee" and "confirmation of an undertaking";
- (b) "Guarantor/issuer" includes "counter-guarantor" and "confirmer";
- (c) "Counter-guarantee" means an undertaking given to the guarantor/issuer of another undertaking by its instructing party and providing for payment upon simple demand or upon demand accompanied by other documents, in conformity with the terms and any documentary conditions of the undertaking,

indicating, or from which it is to be inferred, that payment under that other undertaking has been demanded from, or made by, the person issuing that other undertaking;

- (d) "Counter-guarantor" means the person issuing a counter-guarantee;
- (e) "Confirmation" of an undertaking means an undertaking added to that of the guarantor/issuer, and authorized by the guarantor/issuer, providing the beneficiary with the option of demanding payment from the confirmer instead of from the guarantor/issuer, upon simple demand or upon demand accompanied by other documents, in conformity with the terms and any documentary conditions of the confirmed undertaking, without prejudice to the beneficiary's right to demand payment from the guarantor/issuer;
- (f) "Confirmer" means the person adding a confirmation to an undertaking;
- (g) "Document" means a communication made in a form that provides a complete record thereof.

CHAPTER III FORM AND CONTENT OF UNDERTAKING

Article 7 Issuance, form and irrevocability of undertaking

- Issuance of an undertaking occurs when and where the undertaking leaves the sphere of control of the guarantor/issuer concerned.
- 2. An undertaking may be issued in any form which preserves a complete record of the text of the undertaking and provides authentication of its source by generally accepted means or by a procedure agreed upon by the guarantor/issuer and the beneficiary.
- 3. From the time of issuance of an undertaking, a demand for payment may be made in accordance with the terms and conditions of the undertaking, unless the undertaking stipulates a different time.
- 4. An undertaking is irrevocable upon issuance, unless it stipulates that it is revocable.

Article 8 Amendment

- 1. An undertaking may not be amended except in the form stipulated in the undertaking or, failing such stipulation, in a form referred to in paragraph 2 of article 7.
- 2. Unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, an undertaking is amended upon issuance of the amendment if the amendment has previously been authorized by the beneficiary.
- 3. Unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, where any amendment has not previously been authorized by the beneficiary, the undertaking is amended only when the guarantor/issuer receives a notice of acceptance of the amendment by the beneficiary in a form referred to in paragraph 2 of article 7.
- 4. An amendment of an undertaking has no effect on the rights and obligations of the principal/applicant (or an instructing party) or of a confirmer of the undertaking unless such person consents to the amendment.

Article 9 Transfer of beneficiary's right to demand payment

- 1. The beneficiary's right to demand payment may be transferred only if authorized in the undertaking, and only to the extent and in the manner authorized in the undertaking.
- 2. If an undertaking is designated as transferable without specifying whether or not the consent of the guarantor/issuer or another authorized person is required for the actual transfer, neither the guarantor/issuer nor any other authorized person is obliged to effect the transfer except to the extent and in the manner expressly consented to by it.

Article 10 Assignment of records

- 1. Unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, the beneficiary may assign to another person any proceeds to which it may be, or may become, entitled under the undertaking.
- 2. If the guarantor/issuer or another person obliged to effect payment has received a notice originating from the beneficiary, in a form referred to in paragraph 2 of article 7, of the beneficiary's irrevocable assignment, payment to the assignee discharges the obligor, to the extent of its payment, from its liability under the undertaking.

Article 11 Cessation of right to demand payment

- 1. The right of the beneficiary to demand payment under the undertaking ceases when:
- (a) The guarantor/issuer has received a statement by the beneficiary of release from liability in a form referred to in paragraph 2 of article 7;
- (b) The beneficiary and the guarantor/issuer have agreed on the termination of the undertaking in the form stipulated in the undertaking or, failing such stipulation, in a form referred to in paragraph 2 of article 7;
- (c) The amount available under the undertaking has been paid, unless the undertaking provides for the automatic renewal or for an automatic increase of the amount available or otherwise provides for continuation of the undertaking;
- (d) The validity period of the undertaking expires in accordance with the provisions of article 12.
- 2. The undertaking may stipulate, or the guarantor/issuer and the beneficiary may agree elsewhere, that return of the document embodying the undertaking to the guarantor/issuer, or a procedure functionally equivalent to the return of the document in the case of the issuance of the undertaking in non-paper form, is required for the cessation of the right to demand payment, either alone or in conjunction with one of the events referred to in subparagraphs (a) and (b) of paragraph 1 of this article. However, in no case shall retention of any such document by the beneficiary after the right to demand payment ceases in accordance with subparagraph (c) or (d) of paragraph 1 of this article preserve any rights of the beneficiary under the undertaking.

Article 12 Expiry

The validity period of the undertaking expires:

- (a) At the expiry date, which may be a specified calendar date or the last day of a fixed period of time stipulated in the undertaking, provided that, if the expiry date is not a business day at the place of business of the guarantor/issuer at which the undertaking is issued, or of another person or at another place stipulated in the undertaking for presentation of the demand for payment, expiry occurs on the first business day which follows;
- (b) If expiry depends according to the undertaking on the occurrence of an act or event not within the guarantor/issuer's sphere of operations, when the guarantor/issuer is advised that the act or event has occurred by presentation of the document specified for that purpose in the undertaking or, if no such document is specified, of a certification by the beneficiary of the occurrence of the act or event:
- (c) If the undertaking does not state an expiry date, or if the act or event on which expiry is stated to depend has not yet been established by presentation of the required document and an expiry date has not been stated in addition, when six years have elapsed from the date of issuance of the undertaking.

CHAPTER IV RIGHTS, OBLIGATIONS AND DEFENCES

Article 13 Determination of rights and obligations

- 1. The rights and obligations of the guarantor/issuer and the beneficiary arising from the undertaking are determined by the terms and conditions set forth in the undertaking, including any rules, general conditions or usages specifically referred to therein, and by the provisions of this Convention.
- 2. In interpreting terms and conditions of the undertaking and in settling questions that are not addressed by the terms and conditions of the undertaking or by the provisions of this Convention, regard shall be had to generally accepted international rules and usages of independent guarantee or stand-by letter of credit practice.

Article 14

Standard of conduct and liability of guarantor/issuer

- 1. In discharging its obligations under the undertaking and this Convention, the guarantor/issuer shall act in good faith and exercise reasonable care having due regard to generally accepted standards of international practice of independent guarantees or stand-by letters of credit.
- A guarantor/issuer may not be exempted from liability for its failure to act in good faith or for any grossly negligent conduct.

Article 15 Demand

- 1. Any demand for payment under the undertaking shall be made in a form referred to in paragraph 2 of article 7 and in conformity with the terms and conditions of the undertaking.
- 2. Unless otherwise stipulated in the undertaking, the demand and any certification or other document required by the undertaking shall be presented, within the time that a demand for payment may be made, to the guarantor/issuer at the place where the undertaking was issued.

3. The beneficiary, when demanding payment, is deemed to certify that the demand is not in bad faith and that none of the elements referred to in subparagraphs (a), (b) and (c) of paragraph 1 of article 19 are present.

Article 16

Examination of demand and accompanying documents

- 1. The guarantor/issuer shall examine the demand and any accompanying documents in accordance with the standard of conduct referred to in paragraph 1 of article 14. In determining whether documents are in facial conformity with the terms and conditions of the undertaking, and are consistent with one another, the guarantor/issuer shall have due regard to the applicable international standard of independent guarantee or standby letter of credit.
- 2. Unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, the guarantor/issuer shall have reasonable time, but not more than seven business days following the day of receipt of the demand and any accompanying documents, in which to:
- (a) Examine the demand and any accompanying documents:
 - (b) Decide whether or not to pay;
- (c) If the decision is not to pay, issue notice thereof to the beneficiary.

The notice referred to in subparagraph (c) above shall, unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, be made by teletransmission or, if that is not possible, by other expeditious means and indicate the reason for the decision not to pay.

Article 17 Payment

- 1. Subject to article 19, the guarantor/issuer shall pay against a demand made in accordance with the provisions of article 15. Following a determination that a demand for payment so conforms, payment shall be made promptly, unless the undertaking stipulates payment on a deferred basis, in which case payment shall be made at the stipulated time.
- 2. Any payment against a demand that is not in accordance with the provisions of article 15 does not prejudice the rights of the principal/applicant.

Article 18 Set-off

Unless otherwise stipulated in the undertaking or elsewhere agreed by the guarantor/issuer and the beneficiary, the guarantor/issuer may discharge the payment obligation under the undertaking by availing itself of a right of set-off, except with any claim assigned to it by the principal/applicant or the instructing party.

Article 19 Exception to payment obligation

- 1. If it is manifest and clear that:
- (a) Any document is not genuine or has been falsified;
- (b) No payment is due on the basis asserted in the demand and the supporting documents; or
- (c) Judging by the type and purpose of the undertaking, the demand has no conceivable basis,

the guarantor/issuer, acting in good faith, has a right, as against the beneficiary, to withhold payment.

- 2. For the purposes of subparagraph (c) of paragraph 1 of this article, the following are types of situations in which a demand has no conceivable basis:
- (a) The contingency or risk against which the undertaking was designed to secure the beneficiary has undoubtedly not materialized:
- (b) The underlying obligation of the principal/applicant has been declared invalid by a court or arbitral tribunal, unless the undertaking indicates that such contingency falls within the risk to be covered by the undertaking;
- (c) The underlying obligation has undoubtedly been fulfilled to the satisfaction of the beneficiary;
- (d) Fulfilment of the underlying obligation has clearly been prevented by wilful misconduct of the beneficiary;
- (e) In the case of a demand under a counter-guarantee, the beneficiary of the counter-guarantee has made payment in bad faith as guarantor/issuer of the undertaking to which the counter-guarantee relates.
- 3. In the circumstances set out in subparagraphs (a), (b) and (c) of paragraph 1 of this article, the principal/applicant is entitled to provisional court measures in accordance with article 20.

CHAPTER V PROVISIONAL COURT MEASURES

Article 20 Provisional court measures

- 1. Where, on an application by the principal/applicant or the instructing party, it is shown that there is a high probability that, with regard to a demand made, or expected to be made, by the beneficiary, one of the circumstances referred in subparagraphs (a), (b) and (c) of paragraph 1 of article 19 is present, the court, on the basis of immediately available strong evidence, may:
- (a) Issue a provisional order to the effect that the beneficiary does not receive payment, including an order that the guarantor/issuer hold the amount of the undertaking; or
- (b) Issue a provisional order to the effect that the proceeds of the undertaking paid to the beneficiary are blocked, taking into account whether in the absence of such an order the principal/applicant would be likely to suffer serious harm.
- 2. The court, when issuing a provisional order referred to in paragraph 1 of this article, may require the person applying therefor to furnish such form of security as the court deems appropriate.
- 3. The court may not issue a provisional order of the kind referred to in paragraph 1 of this article based on any objection to payment other than those referred to in subparagraphs (a), (b) and (c) of paragraph 1 of article 19, or use of the undertaking for a criminal purpose.

CHAPTER VI CONFLICT OF LAWS ·

Article 21 Choice of applicable law

The undertaking is governed by the law the choice of which is:

- (a) Stipulated in the undertaking or demonstrated by the terms and conditions of the undertaking; or
- (b) Agreed elsewhere by the guarantor/issuer and the beneficiary.

Article 22 Determination of applicable law

Failing a choice of law in accordance with article 21, the undertaking is governed by the law of the State where the guarantor/issuer has that place of business at which the undertaking was issued.

CHAPTER VII FINAL CLAUSES

Article 23 Depositary

The Secretary-General of the United Nations is the depositary of this Convention.

Article 24

Signature, ratification, acceptance, approval, accession

- 1. This Convention is open for signature by all States at the Headquarters of the United Nations, New York, until ... [the date two years from the date of adoption].
- 2. This Convention is subject to ratification, acceptance or approval by the signatory States.
- 3. This Convention is open to accession by all States which are not signatory States as from the date it is open for signature.
- 4. Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary-General of the United Nations.

Article 25 Application to territorial units

- 1. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only one or more of them, and may at any time substitute another declaration for its earlier declaration.
- 2. These declarations are to state expressly the territorial units to which the Convention extends.
- 3. If, by virtue of a declaration under this article, this Convention does not extend to all territorial units of a State and the place of business of the guarantor/issuer or of the beneficiary is located in a territorial unit to which the Convention does not extend, this place of business is considered not to be in a Contracting State.
- If a State makes no declaration under paragraph 1 of this article, the Convention is to extend to all territorial units of that State.

Article 26 Effect of declaration

1. Declarations made under article 25 at the time of signature are subject to confirmation upon ratification, acceptance or approval.

- 2. Declarations and confirmations of declarations are to be in writing and to be formally notified to the depositary.
- 3. A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary.
- 4. Any State which makes a declaration under article 25 may withdraw it at any time by a formal notification in writing addressed to the depositary. Such withdrawal takes effect on the first day of the month following the expiration of six months after the date of the receipt of the notification of the depositary.

Article 27 Reservations

No reservations may be made to this Convention.

Article 28 Entry into force

- 1. This Convention enters into force on the first day of the month following the expiration of one year from the date of the deposit of the fifth instrument of ratification, acceptance, approval or accession.
- 2. For each State which becomes a Contracting State to this Convention after the date of the deposit of the fifth instrument of ratification, acceptance, approval or accession, this Convention enters into force on the first day of the month

following the expiration of one year after the date of the deposit of the appropriate instrument on behalf of that State.

3. This Convention applies only to undertakings issued on or after the date when the Convention enters into force in respect of the Contracting State referred to in subparagraph (a) or the Contracting State referred to in subparagraph (b) of paragraph 1 of article 1.

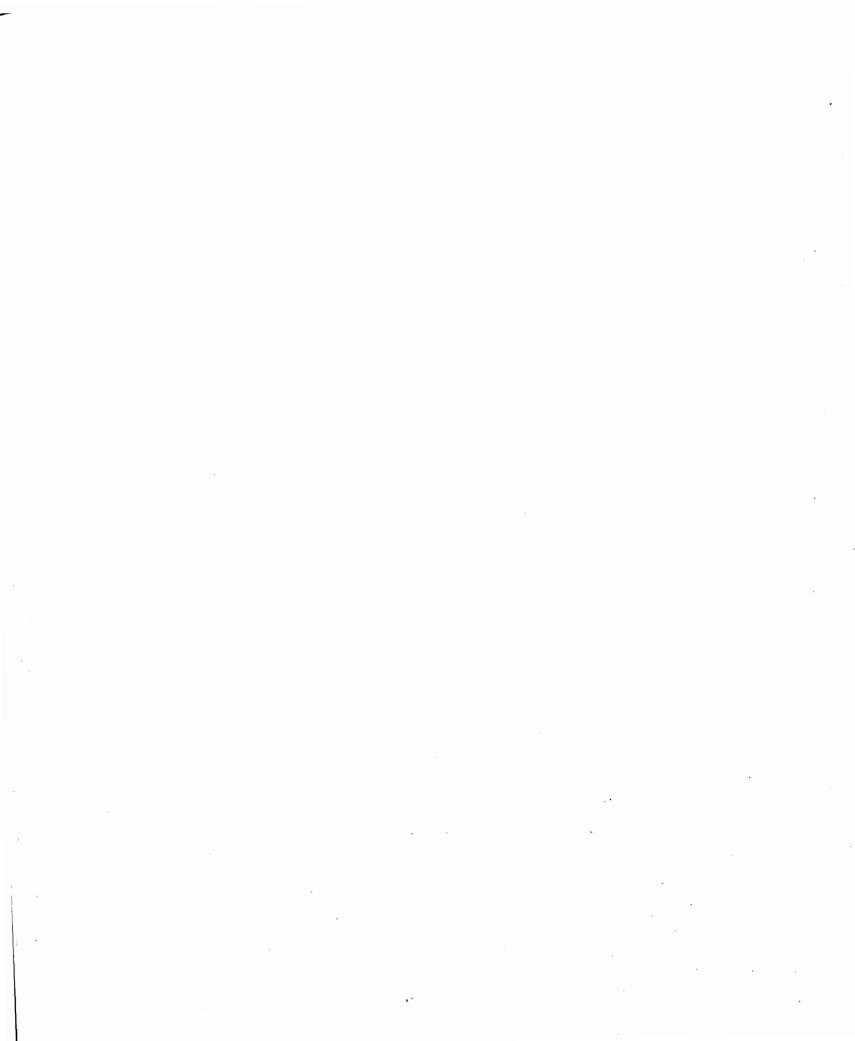
Article 29 Denunciation

- 1. A Contracting State may denounce this Convention at any time by means of a notification in writing addressed to the depositary.
- 2. The denunciation takes effect on the first day of the month following the expiration of one year after the notification is received by the depositary. Where a longer period is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

DONE at ..., this ... day of ... one thousand nine hundred and ninety-..., in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.





Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

2 December 1949

Preamble

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

- 1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948,
- 2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol.
- 3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947,
- 4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol,

Whereas the League of Nations in 1937 prepared a draft Convention extending the scope of the above-mentioned instruments, and

Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft Convention as well as desirable alterations therein;

Now therefore

The Contracting Parties

Hereby agree as hereinafter provided:

Article 1

The Parties to the present Convention agree to punish any person who, to gratify the passions of another:

- 1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;
- 2. Exploits the prostitution of another person, even with the consent of that person.

Article 2

The Parties to the present Convention further agree to punish any person who:

- 1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;
- 2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

Article 3

To the extent permitted by domestic law, attempts to commit any of the offences referred to in articles 1 and 2, and

acts preparatory to the commission thereof, shall also be punished.

Article 4

To the extent permitted by domestic law, international participation in the acts referred to in articles 1 and 2 above shall also be punishable. To the extent permitted by domestic law, acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.

Article 5

In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

Article 6

Each Party to the present Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provision by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification.

Article 7

Previous convictions pronounced in foreign States for offences referred to in the present Convention shall, to the extent permitted by domestic law, be taken into account for the purpose of:

- 1. Establishing recidivism;
- 2. Disqualifying the offender from the exercise of civil rights.

Article 8

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

Article 9

In States where the extradition of nationals is not permitted by law, nationals who have returned to their own State after the commission abroad of any of the offences referred to in articles 1 and 2 of the present Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to the present Convention, the extradition of an alien cannot be granted.

The provisions of article 9 shall not apply when the person charged with the offence has been tried in a foreign State and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign State.

Article 11

Nothing in the present Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

Article 12

The present Convention does not affect the principle that the offences to which it refers shall in each State be defined, prosecuted and punished in conformity with its domestic law.

Article 13

The Parties to the present Convention shall be bound to execute letters of request relating to offences referred to in the Convention in accordance with their domestic law and practice.

The transmission of letters of request shall be effected:

- 1. By direct communication between the judicial authorities; or
- 2. By direct communication between the Ministers of Justice of the two States, or by direct communication from another competent authority of the State making the request to the Minister of Justice of the State to which the request is made; or
- 3. Through the diplomatic or consular representative of the State making the request in the State to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the Government of the State to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the State to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the State to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each Party to the present Convention shall notify to each of the other Parties to the Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State.

Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the Parties to the present Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws.

Article 14

Each Party to the present Convention shall establish or maintain a service charged with the co-ordination and centrali-

zation of the results of the investigation of offences referred to in the present Convention.

Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in the present Convention and should be in close contact with the corresponding services in other States.

Article 15

To the extent permitted by domestic law and to the extent to which the authorities responsible for the services referred to in article 14 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other States the following information:

- 1. Particulars of any offence referred to in the present Convention or any attempt to commit such offence;
- 2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in the present Convention, the movements of such persons and any other useful information with regard to them.

The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records and records of conviction.

Article 16

The Parties to the present Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.

Article 17

The Parties to the present Convention undertake, in connexion with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution.

In particular they undertake:

- 1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while *en route*;
- 2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;
- 3. To take appropriate measures to ensure supervision of railway stations, airports, seaports and *en route*, and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;
- 4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, *prima facie*, to be the principals and accomplices in or victims of such traffic.

Article 18

The Parties to the present Convention undertake, in accordance with the conditions laid down by domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their State. The information obtained shall

be communicated to the authorities of the State of origin of the said persons with a view to their eventual repatriation.

Article 19

The Parties to the present Convention undertake in accordance with the conditions laid down by domestic law and without prejudice to prosecution or other action for violations thereunder and so far as possible:

- 1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;
- 2. To repatriate persons referred to in article 18 who desire to be repatriated or who may be claimed by persons exercising authority over them or whose expulsion is ordered in conformity with the law. Repatriation shall take place only after agreement is reached with the State of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each Party to the present Convention shall facilitate the passage of such persons through its territory.

Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them, the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the State of origin shall be borne by the State where they are in residence, and the cost of the remainder of the journey shall be borne by the State of origin.

Article 20

The Parties to the present Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.

Article 21

The Parties to the present Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their States, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of the present Convention, as well as all measures taken by them concerning the application of the Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which the present Convention is officially communicated in accordance with article 23.

Article 22

If any dispute shall arise between the Parties to the present Convention relating to its interpretation or application and if such dispute cannot be settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice.

Article 23

The present Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council. The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The States mentioned in the first paragraph which have not signed the Convention may accede to it.

Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

For the purposes of the present Convention the word "State" shall include all the colonies and Trust territories of a State signatory or acceding to the Convention and all territories for which such State is internationally responsible.

Article 24

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter to force ninety days after the deposit by such State of its instrument of ratification or accession.

Article 25

After the expiration of five years from the entry into force of the present Convention, any Party to the Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

Article 26

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 23:

- (a) Of signatures, ratifications and accessions received in accordance with article 23;
- (b) Of the date on which the present Convention will come into force in accordance with article 24;
 - (c) Of denunciations received in accordance with article 25.

Article 27

Each Party to the present Convention undertakes to adopt, in accordance with its Constitution, the legislative or other measures necessary to ensure the application of the Convention.

Article 28

The provisions of the present Convention shall supersede in the relations between the Parties thereto the provisions of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the second paragraph of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to the present Convention.

Final protocol

Nothing in the present Convention shall be deemed to prejudice any legislation which ensures, for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution, stricter conditions than those provided by the present Convention.

The provisions of articles 23 to 26 inclusive of the Convention shall apply to the present Protocol.

Convention on the Political Rights of Women

20 December 1952

The Contracting Parties,

Desiring to implement the principle of equality of rights for men and women contained in the Charter of the United Nations,

Recognizing that everyone has the right to take part in the government of his country directly or indirectly through freely chosen representatives, and has the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights,

Having resolved to conclude a Convention for this purpose, Hereby agree as hereinafter provided:

Article I

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article II

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

Article IV

- 1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly.
- 2. This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article V

- This Convention shall be open for accession to all States referred to in paragraph 1 of article IV.
- 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VI

- 1. This Convention shall come into force on the ninetieth day following the date of deposit of the sixth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article VII

In the event that any State submits a reservation to any of the articles of this Convention at the time of signature, ratification or accession, the Secretary-General shall communicate the text of the reservation to all States which are or may become Parties to this Convention. Any State which objects to the reservation may, within a period of ninety days from the date of the said communication (or upon the date of its becoming a Party to the Convention), notify the Secretary-General that it does not accept it. In such case, the Convention shall not enter into force as between such State and the State making the reservation.

Article VII

- 1. Any State may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
- 2. This Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article IX

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Article X

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in paragraph 1 of article IV of this Convention of the following:

- (a) Signatures and instruments of ratification received in accordance with article IV;
- (b) Instruments of accession received in accordance with article V;
- (c) The date upon which this Convention enters into force in accordance with article VI;
- (d) Communications and notifications received in accordance with article VII;
- (e) Notifications of denunciation received in accordance with paragraph 1 of article VIII;
- (f) Abrogation in accordance with paragraph 2 of article VIII.

Article XI

- 1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit a certified copy to all Members of the United Nations and to the non-member States contemplated in paragraph 1 of article IV.

Convention on the Nationality of Married Women

29 January 1957

The Contracting States,

Recognizing that, conflicts in law in practice with reference to nationality arise as a result of provisions concerning the loss or acquisition of nationality by women as a result of marriage, of its dissolution or of the change of nationality by the husband during marriage.

Recognizing that, in article 15 of the Universal Declaration of Human Rights, the General Assembly of the United Nations has proclaimed that "everyone has the right to a nationality" and that "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality",

Desiring to cooperate with the United Nations in promoting universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to sex.

Hereby agree as hereinafter provided:

Article 1

Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

Article 2

Each Contracting State agrees that neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

Article 3

- 1. Each Contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.
- 2. Each Contracting State agrees that the present Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

Article 4

- 1. The present Convention shall be open for signature and ratification on behalf of any State Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.
- The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 5

- 1. The present Convention shall be open for accession to all States referred to in paragraph 1 of article 4.
- 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6

- 1. The present Convention shall come into force on the ninetieth day following the date of deposit of the sixth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article 7

- 1. The present Convention shall apply to all non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Contracting State is responsible; the Contracting State concerned shall, subject to the provisions of paragraph 2 of the present article, at the time of signature, ratification or accession declare the non-metropolitan territory or territories to which the Convention shall apply ipso facto as a result of such signature, ratification or accession.
- 2. In any case in which, for the purpose of nationality, a non-metropolitan territory is not treated as one with the metropolitan territory, or in any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Contracting State or of the non-metropolitan territory for the application of the Convention to that territory, that Contracting State shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by that Contracting State, and when such consent has been obtained the Contracting State shall notify the Secretary-General of the United Nations. The present Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.
- 3. After the expiry of the twelve-month period mentioned in paragraph 2 of the present article, the Contracting States concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of the present Convention may have been withheld.

- 1. At the time of signature, ratification or accession, any State may make reservations to any article of the present Convention other than articles 1 and 2.
- 2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the

exception of those provisions to which the reservation relates. shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and, in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in effect as between the State making the notification and the State making the reservation.

3. Any State making a reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received.

Article 9

- 1. Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
- 2. The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article 10

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiation, shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

Article 11

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in paragraph 1 of article 4 of the present Convention of the following:

- (a) Signatures and instruments of ratification received in accordance with article 4;
- (b) Instruments of accession received in accordance with article 5;
- (c) The date upon which the present Convention enters into force in accordance with article 6;
- (d) Communications and notifications received in accordance with article 8;
- (e) Notifications of denunciation received in accordance with paragraph 1 of article 9;
- (f) Abrogation in accordance with paragraph 2 of article 9.

- 1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-member States contemplated in paragraph 1 of article 4.

Declaration on the Rights of the Child

20 November 1959

Principle 1

1. The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount considerations.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to

extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Principle 10

The child shall be protected from practices which may faster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

7 November 1962

The Contracting States,

Desiring, in conformity with the Charter of the United Nations, to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling that article 16 of the Universal Declaration of Human Rights states that:

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses,

Recalling further that the General Assembly of the United Nations declared, by resolution 843 (IX) of 17 December 1954, that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Reaffirming that all States, including those which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories until their achievement of independence, should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded,

Hereby agree as hereinafter provided:

Article 1

- 1. No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.
- 2. Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.

Article 2

States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Article 3

All marriages shall be registered in an appropriate official register by the competent authority.

Article 4

- 1. The present Convention shall, until 31 December 1963, be open for signature on behalf of all States Members of the United Nations or members of any of the specialized agencies, and of any other State invited by the General Assembly of the United Nations to become a Party to the Convention.
- 2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 5

- 1. The present Convention shall be open for accession to all States referred to in article 4, paragraph 1.
- 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6

- 1. The present Convention shall come into force on the ninetieth day following the date of deposit of the eighth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the Convention after the deposit of the eighth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article 7

- 1. Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
- 2. The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than eight becomes effective.

Article 8

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of all the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

Article 9

The Secretary-General of the United Nations shall notify all States Members of the United Nations and the non-member States contemplated in article 4, paragraph 1, of the present Convention of the following:

(a) Signatures and instruments of ratification received in accordance with article 4;

- (b) Instruments of accession received in accordance with article 5:
- (c) The date upon which the Convention enters into force in accordance with article 6:
- (d) Notifications of denunciation received in accordance with article 7, paragraph 1;
- (e) Abrogation in accordance with article 7, paragraph 2.

- 1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-member States contemplated in article 4, paragraph 1.

Declaration on the Elimination of Discrimination against Women

7 November 1967

The General Assembly,

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration on Human Rights asserts the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, including any distinction as to sex,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity and with the welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Bearing in mind the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaims this Declaration:

Article 1

Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.

Article 2

All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women, in particular:

- (a) The principle of equality of rights shall be embodied in the constitution or otherwise guaranteed by law;
- (b) The international instruments of the United Nations and the specialized agencies relating to the elimination of discrimination against women shall be ratified or acceded to and fully implemented as soon as practicable.

Article 3

All appropriate measures shall be taken to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women on equal terms with men, without any discrimination:

- (a) The right to vote in all elections and be eligible for election to all publicly elected bodies;
 - (b) The right to vote in all public referenda;
- (c) The right to hold public office and to exercise all public functions.

Such rights shall be guaranteed by legislation.

Article 5

Women shall have the same rights as men to acquire, change or retain their nationality. Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing upon her the nationality of her husband.

- 1. Without prejudice to the safeguarding of the unity and the harmony of the family, which remains the basic unit of any society, all appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:
- (a) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during marriage;
- (b) The right to equality in legal capacity and the exercise thereof;
- (c) The same rights as men with regard to the law on the movement of persons.
- 2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:
- (a) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent:
- (b) Women shall have equal rights with men during marriage and at its dissolution. In all cases the interest of the children shall be paramount;
- (c) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.
- Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

All provisions of penal codes which constitute discrimination against women shall be repealed.

Article 8

All appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

Article 9

All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

- (a) Equal conditions of access to, and study in, educational institutions of all types, including universities and vocational, technical and professional schools;
- (b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;
- (c) Equal opportunities to benefit from scholarships and other study grants;
- (d) Equal opportunities for access to programmes for continuing education, including adult literacy programmes;
- (e) Access to educational information to help in ensuring the health and well-being of families.

Article 10

1. All appropriate measures shall be taken to ensure o women, married or unmarried, equal rights with men in the field of economic and social life, and in particular:

- (a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;
- (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;
- (c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;
- (d) The right to receive family allowances on equal terms with men.
- 2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, measures shall be taken to prevent their dismissal in the event of marriage or maternity and to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.
- 3. Measures taken to protect women in certain types of work, for reasons inherent in their physical nature, I shall not be regarded as discriminatory.

- 1. The principle of equality of rights of men and women demands implementation in all States in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights.
- 2. Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

Declaration on the Protection of Women and Children in Emergency and Armed Conflict

14 December 1974

The General Assembly,

Having considered the recommendation of the Economic and Social Council contained in its resolution 1861 (LVI) of 16 May 1974,

Expressing its deep concern over the sufferings of women and children belonging to the civilian population who in periods of emergency and armed conflict in the struggle for peace. self-determination, national liberation and independence are too often the victims of inhuman acts and consequently suffer serious harm,

Aware of the suffering of women and children in many areas of the world, especially in those areas subject to suppression, aggression, colonialism, racism, alien domination and foreign subjugation,

Deeply concerned by the fact that, despite general and unequivocal condemnation, colonialism, racism and alien and foreign domination continue to subject many peoples under their yoke, cruelly suppressing the national liberation movements and inflicting heavy losses and incalculable sufferings on the populations under their domination, including women and children,

Deploring the fact that grave attacks are still being made on fundamental freedoms and the dignity of the human person and that colonial and racist foreign domination Powers continue to violate international humanitarian law,

Recalling the relevant provisions contained in the instruments of international humanitarian law relative to the protection of women and children in time of peace and war,

Recalling, among other important documents, its resolutions 2444 (XXIII) of 19 December 1968, 2597 (XIV) of 16 December 1969 and 2674 (XIV) and 2675 (XIV) of 9 December 1970, on respect for human rights and on basic principles for the protection of civilian populations in armed conflicts, as well as Economic and Social Council resolution 1515 (XLVIII) of 28 May 1970 in which the Council requested the General Assembly to consider the possibility of drafting a declaration on the protection of women and children in emergency or wartime,

Conscious of its responsibility for the destiny of the rising generation and for the destiny of mothers, who play an important role in society, in the family and particularly in the upbringing of children,

Bearing in mind the need to provide special protection of women and children belonging to the civilian population,

Solemnly proclaims this Declaration on the Protection of Women and Children in Emergency and Armed Conflict and calls for the strict observance of the Declaration by all Member States:

- 1. Attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned.
- 2. The use of chemical and bacteriological weapons in the course of military operations constitutes one of the most flagrant violations of the Geneva Protocol of 1925, the Geneva Conventions of 1949 and the principles of international humanitarian law and inflicts heavy losses on civilian populations, including defenseless women and children, and shall be severely condemned.
- 3. All States shall abide fully by their obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949, as well as other instruments of international law relative to respect for human rights in armed conflicts, which offer important guarantees for the protection of women and children.
- 4. All efforts shall be made by States involved in armed conflicts, military operations in foreign territories or military operations in territories still under colonial domination to spare women and children from the ravages of war. All the necessary steps shall be taken to ensure the prohibition of measures such as persecution, torture, punitive measures, degrading treatment and violence, particularly against that part of the civilian population that consists of women and children.
- 5. All forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal.
- 6. Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights, in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of the Rights of the Child or other instruments of international law.

Convention on the Elimination of All Forms of Discrimination against Women

18 December 1979

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual cooperation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity,

will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations.

Have agreed on the following:

PART I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

- 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
- 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
- States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women:
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
- 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
- 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
- 2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal

period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

- 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
- 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

- 1. States Parties shall accord to women equality with men before the law.
- 2. States Parties shall accord to women, in civil matters, 'a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is

directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
- 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

- 1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
- The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties.

Each State Party may nominate one person from among its own nationals.

- 3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
- 4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
- 6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
- 7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
- 8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
- 9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

- 1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
- (a) Within one year after the entry into force for the State concerned;
- (b) Thereafter at least every four years and further whenever the Committee so requests.

Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

- 1. The Committee shall adopt its own rules of procedure.
- The Committee shall elect its officers for a term of two years.

Article 20

- 1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
- 2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

- 1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
- 2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

- The present Convention shall be open for signature by all States.
- 2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
- 3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

- A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
- The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

- The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

- The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

- 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
- 3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

INWITNESSWHEREOF the undersigned, duly authorized, have signed the present Convention.

Declaration on the Participation of Women in Promoting International Peace and Cooperation

3 December 1982

PART I

Article 1

Women and men have an equal and vital interest in contributing to international peace and cooperation. To this end, women must be enabled to exercise their right to participate in the economic, social, cultural, civil and political affairs of society on an equal footing with men.

Article 2

The full participation of women in the economic, social, cultural, civil and political affairs of society and in the endeavour to promote international peace and cooperation is dependent on a balanced and equitable distribution of roles between men and women in the family and in society as a whole.

Article 3

The increasing participation of women in the economic, social, cultural, civil and political affairs of society will contribute to international peace and co-operation.

Article 4

The full enjoyment of the rights of women and men and the full participation of women in promoting international peace and cooperation will contribute to the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States.

PART II

Article 5

Special national and international measures are necessary to increase the level of women's participation in the sphere of international relations so that women can contribute, on an equal basis with men, to national and international efforts to secure world peace and economic and social progress and to promote international co-operation.

Article 6

All appropriate measures shall be taken to intensify national and international efforts in respect of the participation of women in promoting international peace and cooperation by ensuring the equal participation of women in the economic, social, cultural, civil and political affairs of society through a balanced and equitable distribution of roles between men and women in the domestic sphere and in society as a whole, as well as by providing an equal opportunity for women to participate in the decision-making process.

Article 7

All appropriate measures shall be taken to promote the exchange of experience at the national and international levels for the purpose of furthering the involvement of women in promoting international peace and co-operation and in solving other vital national and international problems.

Article 8

All appropriate measures shall be taken at the national and international levels to give effective publicity to the responsibility and active participation of women in promoting international peace and cooperation and in solving other vital national and international problems.

Article 9

All appropriate measures shall be taken to render solidarity and support to those women who are victims of mass and flagrant violations of human rights such as apartheid, all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and of all other violations of human rights.

Article 10

All appropriate measures shall be taken to pay a tribute to the participation of women in promoting international peace and cooperation.

Article 11

All appropriate measures shall be taken to encourage women to participate in non-governmental and intergovernmental organizations concerned with the strengthening of international peace and security, the development of friendly relations among nations and the promotion of cooperation among States and, to that end, freedom of thought, conscience, expression, assembly, association, communication and movement, without distinction as to race, political or religious belief, language or ethnic origin, shall be effectively guaranteed.

Article 12

All appropriate measures shall be taken to provide practical opportunities for the effective participation of women in promoting international peace and cooperation, economic development and social progress including, to that end:

- (a) The promotion of an equitable representation of women in governmental and non-governmental functions
- (b) The promotion of equality of opportunities for women to enter diplomatic service;
- (c) The appointment or nomination of women, on an equal basis with men, as members of delegations to national, regional or international meetings;
- (d) Support for increased employment of women at all levels in the secretariats of the United Nations and the specialized agencies, in conformity with Article 101 of the Charter of the United Nations.

Article 13

All appropriate measures shall be taken to establish adequate legal protection of the rights of women on an equal basis with men in order to ensure effective participation of women in the activities referred to above.

Governments, non-governmental and international organizations, including the United Nations and the specialized agen-

cies, as well as individuals, are urged to do all in their power to promote the implementation of the principles set forth in the present Declaration.

Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally

3 December 1986

The General Assembly,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also the Declaration of the Rights of the Child, which it proclaimed by its resolution 1386(XIV) of 20 November 1959.

Reaffirming principle 6 of that Declaration, which states that the child shall, wherever possible, grow up in the care and under the responsibility of his parents and, in any case, in an atmosphere of affection and of moral and material security,

Concerned at the large number of children who are abandoned or become orphans owing to violence, internal disturbance, armed conflicts, natural disasters, economic crises or social problems,

Bearing in mind that in all foster placement and adoption procedures the best interests of the child should be the paramount consideration.

Recognizing that under the principal legal systems of the world, various valuable alternative institutions exist, such as the Kafala of Islamic Law, which provide substitute care to children who cannot be cared for by their own parents,

Recognizing further that only where a particular institution is recognized and regulated by the domestic law of a State would the provisions of this Declaration relating to that institution be relevant and that such provisions would in no way affect the existing alternative institutions in other legal systems,

Conscious of the need to proclaim universal principles to be taken into account in cases where procedures are instituted relating to foster placement or adoption of a child, either nationally or internationally,

Bearing in mind, however, that the principles set forth hereunder do not impose on States such legal institutions as foster placement or adoption,

Proclaims the following principles:

A. GENERAL FAMILY AND CHILD WELFARE

Article 1

Every State should give a high priority to family and child welfare.

Article 2

Child welfare depends upon good family welfare.

Article 3

The first priority for a child is to be cared for by his or her own parents.

Article 4

When care by the child's own parents is unavailable or inappropriate, care by relatives of the child's parents, by another substitute — foster or adoptive — family or, if necessary, by an appropriate institution should be considered.

Article 5

In all matters relating to the placement of a child outside the care of the child's own parents, the best interests of the child, particularly his or her need for affection and right to security and continuing care, should be the paramount consideration.

Article 6

Persons responsible for foster placement or adoption procedures should have professional or other appropriate training.

Article 7

Governments should determine the adequacy of their national child welfare services and consider appropriate actions.

Article 8

The child should at all times have a name, a nationality and a legal representative. The child should not, as a result of a foster placement, adoption or any alternative regime, be deprived of his or her name, nationality or legal representative unless the child thereby acquires a new name, nationality or legal representative.

Article 9

The need of a foster or an adopted child to know about his or her background should be recognized by persons responsible for the child's care, unless this is contrary to the child's best interests.

B. FOSTER PLACEMENT

Article 10

Foster placement of children should be regulated by law.

Article 11

Foster family care, though temporary in nature, may continue, if necessary, until adulthood but should not preclude either prior return to the child's own parents or adoption.

Article 12

In all matters of foster family care, the prospective foster parents and, as appropriate, the child and his or her own parents should be properly involved. A competent authority or agency should be responsible for supervision to ensure the welfare of the child.

C. ADOPTION

Article 13

The primary aim of adoption is to provide the child who cannot be cared for by his or her own parents with a permanent family.

Article 14

In considering possible adoption placements, persons responsible for them should select the most appropriate environment for the child.

Article 15

Sufficient time and adequate counselling should be given to the child's own parents, the prospective adoptive parents and, as appropriate, the child in order to reach a decision on the child's future as early as possible.

Article 16

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

Article 17

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

Article 18

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

Article 19

Policies should be established and laws enacted, where necessary, for the prohibition of abduction and of any other act for illicit placement of children.

Article 20

In intercountry adoption, placements should, as a rule, be made through competent authorities or agencies with application of safeguards and standards equivalent to those existing in respect of national adoption. In no case should the placement result in improper financial gain for those involved in it.

Article 21

In intercountry adoption through persons acting as agents for prospective adoptive parents, special precautions should be taken in order to protect the child's legal and social interests.

Auticle 22

No intercountry adoption should be considered before it has been established that the child is legally free for adoption and that any pertinent documents necessary to complete the adoption, such as the consent of competent authorities, will become available. It must also be established that the child will be able to migrate and to join the prospective adoptive parents and may obtain their nationality.

Article 23

In intercountry adoption, as a rule, the legal validity of the adoption should be assured in each of the countries involved.

Article 24

Where the nationality of the child differs from that of the prospective adoptive parents, all due weight shall be given to both the law of the State of which the child is a national and the law of the State of which the prospective adoptive parents are nationals. In this connection due regard shall be given to the child's cultural and religious background and interests.

Convention on the Rights of the Child

20 November 1989

PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

- 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

- In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

- 1. States Parties recognize that every child has the inherent right to life.
- 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

- 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
- 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

- States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
- 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

- 1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
- 2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

- 3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
- 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

- 1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
- 2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

- 1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
- 2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

- 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

- 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

- 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- 2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

- 1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

- 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
- The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;

- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

- 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
- 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
- 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

- 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

- 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
- 2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
- 3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin:
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption:
- (d) Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

- 1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
- 2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

- 1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
- 2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

- 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
- 4. States Parties-shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

- 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
- 2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality:
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinkingwater, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers:
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.
- 3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
- 4. States Parties undertake to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

- 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
- 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

- States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- 2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
- 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
- 4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

- 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

- 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

- 1. States Parties agree that the education of the child shall be directed to:
- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.
- 2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any

work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of

persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

- 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
- 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

- 1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
- 2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
- (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
- (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - To be presumed innocent until proven guilty according to law;

- (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
- (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.
- 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
- 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

- 1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
- 2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
- 3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
- 4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
- 5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
- 6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
- 7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
- 8. The Committee shall establish its own rules of procedure.
- The Committee shall elect its officers for a period of two years.
- 10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
- 11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective per-

formance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

- 1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
- (a) Within two years of the entry into force of the Convention for the State Party concerned:
 - (b) Thereafter every five years.
- 2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
- 3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
- 4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
- 5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
- 6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

- 1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
- 2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

- 1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
- 2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
- 3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

- 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United

Nations.Denunciationbecomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples

7 December 1965

The General Assembly,

Recalling that under the terms of the Charter of the United Nations the peoples have declared themselves determined to save succeeding generations from the scourge of war,

Recalling further that in the Charter the United Nations has affirmed its faith in fundamental human rights, in the dignity of the human person and in the equal rights of men and nations,

Reaffirming the principles embodied in the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, General Assembly resolution 110 (II) of 3 November 1947 condemning all forms of propaganda designed or likely to provoke or encourage any threat to the peace, the Declaration of the Rights of the Child, and General Assembly resolution 1572 (XV) of 18 December 1960, which have a particular bearing upon the upbringing of young people in a spirit of peace, mutual respect and understanding among peoples,

Recalling that the purpose of the United Nations Educational, Scientific and Cultural Organization is to contribute to peace and security by promoting collaboration among nations through education, science and culture, and recognizing the role and contributions of that organization towards the education of young people in the spirit of international understanding, cooperation and peace,

Taking into consideration the fact that in the conflagrations which have afflicted mankind it is the young people who have had to suffer most and who have had the greatest number of victims,

Convinced that young people wish to have an assured future and that peace, freedom and justice are among the chief guarantees that their desire for happiness will be fulfilled,

Bearing in mind the important part being played by young people in every field of human endeavour and the fact that they are destined to guide the fortunes of mankind,

Bearing in mind furthermore that, in this age of great scientific, technological and cultural achievements, the energies, enthusiasm and creative abilities of the young should be devoted to the material and spiritual advancement of all peoples,

Convinced that the young should know, respect and develop the cultural heritage of their own country and that of all mankind,

Convinced furthermore that the education of the young and exchanges of young people and of ideas in a spirit of peace, mutual respect and understanding between peoples can help to improve international relations and to strengthen peace and security,

Proclaims this Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples and calls upon Governments, non-governmental organizations and youth movements to recognize the principles set

forth therein and to ensure their observance by means of appropriate measures:

Principle I

Young people shall be brought up in the spirit of peace, justice, freedom, mutual respect and understanding in order to promote equal rights for all human beings and all nations, economic and social progress, disarmament and the maintenance of international peace and security.

Principle II

All means of education, including as of major importance the guidance given by parents or family, instruction and information intended for the young should foster among them the ideals of peace, humanity, liberty and international solidarity and all other ideals which help to bring peoples closer together, and acquaint them with the role entrusted to the United Nations as a means of preserving and maintaining peace and promoting international understanding and co-operation.

Principle III

Young people shall be brought up in the knowledge of the dignity and equality of all men, without distinction as to race, colour, ethnic origins or beliefs, and in respect for fundamental human rights and for the right of peoples to self-determination.

Principle IV

Exchanges, travel, tourism, meetings, the study of foreign languages, the twinning of towns and universities without discrimination and similar activities should be encouraged and facilitated among young people of all countries in order to bring them together in educational, cultural and sporting activities in the spirit of this Declaration.

Principle V

National and international associations of young people should be encouraged to promote the purposes of the United Nations, particularly international peace and security, friendly relations among nations based on respect for the equal sovereignty of States, the final abolition of colonialism and of racial discrimination and other violations of human rights.

Youth organizations in accordance with this Declaration should take all appropriate measures within their respective fields of activity in order to make their contribution without any discrimination to the work of educating the young generation in accordance with these ideals.

Such organizations, in conformity with the principle of freedom of association, should promote the free exchange of ideas in the spirit of the principles of this Declaration and of the purposes of the United Nations set forth in the Charter.

All youth organizations should conform to the principles set forth in this Declaration.

Principle VI

A major aim in educating the young shall be to develop all their faculties and to train them to acquire higher moral qualities, to be deeply attached to the noble ideals of peace, liberty, the dignity and equality of all men, and imbued with respect and love for humanity and its creative achievements. To this end the family has an important role to play.

Young people must become conscious of their responsibilities in the world they will be called upon to manage and should be inspired with confidence in a future of happiness for mankind.

Declaration on the Rights of Mentally Retarded Persons

20 December 1971

The General Assembly,

Mindful of the pledge of the States Members of the United Nations under the Charter to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter.

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child and the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and other organizations concerned,

Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged,

Bearing in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activities and of promoting their integration as far as possible in normal life.

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims this Declaration on the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

- 1. The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.
- 2. The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.
- 3. The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.
- 4. Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.
- The mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests.
- 6. The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If prosecuted for any offence, he shall have a right to due process of law with full recognition being given to his degree of mental responsibility.
- 7. Whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities.

Declaration on the Rights of Disabled Persons

9 December 1975

The General Assembly,

Mindful of the pledge made by Member States, under the Charter of the United Nations, to take joint and separate action in co-operation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development,

Reaffirming its faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter,

Recalling the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration of the Rights of the Child and the Declaration on the Rights of Mentally Retarded Persons, as well as the standards already set for social progress in the constitutions, conventions, recommendations and resolutions of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Children's Fund and other organizations concerned,

Recalling also Economic and Social Council resolution 1921 (LVIII) of 6 May 1975 on the prevention of disability and the rehabilitation of disabled persons,

Emphasizing that the Declaration on Social Progress and Development has proclaimed the necessity of protecting the rights and assuring the welfare and rehabilitation of the physically and mentally disadvantaged,

Bearing in mind the necessity of preventing physical and mental disabilities and of assisting disabled persons to develop their abilities in the most varied fields of activities and of promoting their integration as far as possible in normal life,

Aware that certain countries, at their present stage of development, can devote only limited efforts to this end,

Proclaims this Declaration on the Rights of Disabled Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

- 1. The term "disabled person" means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities.
- 2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.
- 3. Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin,

nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

- 4. Disabled persons have the same civil and political rights as other human beings; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally disabled persons.
- 5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.
- 6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration.
- 7. Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.
- 8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.
- 9. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.
- 10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.
- 11. Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.
- 12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.
- 13. Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.

United Nations Principles for Older Persons

16 December 1991

TO ADD LIFE TO THE YEARS THAT HAVE BEEN ADDED TO LIFE

The General Assembly,

Appreciating the contribution that older persons make to their societies,

Recognizing that, in the Charter of the United Nations, the peoples of the United Nations declare, inter alia, their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Noting the elaboration of those rights in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other declarations to ensure the application of universal standards to particular groups,

In pursuance of the International Plan of Action on Ageing, adopted by the World Assembly on Ageing and endorsed by the General Assembly in its resolution 37/51 of 3 December 1982,

Appreciating the tremendous diversity in the situation of older persons, not only between countries but within countries and between individuals, which requires a variety of policy responses,

Aware that in all countries, individuals are reaching an advanced age in greater numbers and in better health than ever before.

Aware of the scientific research disproving many stereotypes about inevitable and irreversible declines with age,

Convinced that in a world characterized by an increasing number and proportion of older persons, opportunities must be provided for willing and capable older persons to participate in and contribute to the ongoing activities of society,

Mindful that the strains on family life in both developed and developing countries require support for those providing care to frail older persons,

Bearing in mind the standards already set by the International Plan of Action on Ageing and the conventions, recommendations and resolutions of the International Labour Organisation, the World Health Organization and other United Nations entities,

Encourages Governments to incorporate the following principles into their national programmes whenever possible:

Independence

- 1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
- 2. Older persons should have the opportunity to work or to have access to other income-generating opportunities.
- 3. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.

- Older persons should have access to appropriate educational and training programmes.
- 5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.
- 6. Older persons should be able to reside at home for as long as possible.

Participation

- 7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
- 8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities
- 9. Older persons should be able to form movements or associations of older persons.

Care

- Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.
- 11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
- 12. Older persons should have access to social and legal services to enhance their autonomy, protection and care.
- 13. Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.
- 14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

Self-fulfilment

- 15. Older persons should be able to pursue opportunities for the full development of their potential.
- 16. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

Dignity

- Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.
- 18. Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

Proclamation on Ageing

16 October 1992

The General Assembly,

Noting the unprecedented ageing of populations taking place throughout the world,

Conscious that the ageing of the world's population represents an unparalleled, but urgent, policy and programme challenge to Governments, non-governmental organizations and private groups to ensure that the needs of the aged and their human resource potential are adequately addressed,

Conscious also that population ageing in developing regions is proceeding much more rapidly than it occurred in the developed world,

Aware that a revolutionary change in the demographic structure of societies requires a fundamental change in the way in which societies organize their affairs,

Optimistic that the coming decade will see an increase in partnerships, practical initiatives and resources devoted to ageing,

Welcoming the increasing contributions of older persons to economic, social and cultural development,

Welcoming also broad participation in the United Nations programme on ageing,

Recognizing that ageing is a life-long process and that preparation for old age must begin in childhood and continue throughout the life cycle,

Recognizing also that older persons are entitled to aspire to and attain the highest possible level of health,

Recognizing further that with increasing age some individuals will need comprehensive community and family care,

Reaffirming the International Plan of Action on Ageing, which it endorsed in its resolution 37/51 of 3 December 1982, and the United Nations Principles for Older Persons, annexed to its resolution 46/91 of 16 December 1991,

Noting the many United Nations activities that address ageing in the context of development, human rights, population, employment, education, health, housing, family, disability and the advancement of women,

Having considered the challenges inherent in implementing the Plan of Action,

Recognizing the need for a practical strategy on ageing for the decade 1992-2001,

- 1. Urges the international community:
- (a) To promote the implementation of the International Plan of Action on Ageing;
- (b) To disseminate widely the United Nations Principles for Older Persons;
- (c) To support the practical strategies for reaching the global targets on ageing for the year 2001;
- (d) To support the continuing efforts of the Secretariat to clarify policy options by improving data collection, research, training, technical cooperation and information exchange on ageing;
- (e) To ensure that the ageing of populations is adequately addressed in the regular programmes of competent United

Nations organizations and bodies, and that adequate resources are assigned through redeployment;

- (f) To support broad and practical partnerships within the United Nations programme on ageing, including partnerships between Governments, specialized agencies and United Nations bodies, non-governmental organizations and the private sector;
- (g) To strengthen the Trust Fund for Ageing as a means of supporting developing countries in adjusting to the ageing of their populations;
- (h) To encourage donor and recipient countries to include older persons in their development programmes;
- (i) To highlight ageing at major forthcoming events, including, in the near future, events in the areas of human rights, the family, population, the advancement of women, crime prevention, youth and the proposed world summit for social development;
- (j) To encourage the press and the media to play a central role in the creation of awareness of population ageing and related issues, including the celebration of the International Day for the Elderly on 1 October and the dissemination of the United Nations Principles for Older Persons;
- (k) To promote intraregional and interregional cooperation and exchange of resources for programmes and projects on ageing, including those for life-long healthy ageing, income generation and new forms of productive ageing;
- (l) To provide the immense human and material resources now urgently needed for adjustments to humanity's coming of age, which can be understood as a demographic phenomenon, but also as a social, economic and cultural one of great promise;
- 2. Also urges the support of national initiatives on ageing in the context of national cultures and conditions, so that:
- (a) Appropriate national policies and programmes for the elderly are considered as part of overall development strategies;
- (b) Policies which enhance the role of Government, the voluntary sector and private groups are expanded and supported;
- (c) Governmental and non-governmental organizations collaborate in the development of primary health care, health promotion and self-help programmes for the elderly;
- (d) Older persons are viewed as contributors to their societies and not as a burden;
- (e) The entire population is engaged in preparing for the later stages of life;
- (f) Old and young generations cooperate in creating a balance between tradition and innovation in economic, social and cultural development;
- (g) Policies and programmes are developed which respond to the special characteristics, needs and abilities of older women;
- (h) Older women are given adequate support for their largely unrecognized contributions to the economy and the well-being of society;

- (i) Older men are encouraged to develop social, cultural and emotional capabilities which they may have been prevented from developing during breadwinning years:
- (j) Community awareness and participation is encouraged in the formulation and implementation of programmes and projects with the involvement of older persons:
- (k) Families are supported in providing care and all family members are encouraged to cooperate in caregiving;
- (l) Local authorities cooperate with older persons, businesses, civic associations and others in exploring new ways of maintaining age integration in family and community;
- (m) Decision makers and researchers cooperate in undertaking action-oriented studies;

- (n) Policy makers focus attention and resources on tangible opportunities rather than on desirable but unobtainable goals:
- (o) International cooperation is expanded to the extent feasible in the context of the strategies for reaching the global targets on ageing for the year 2001;
- 3. Decides to observe the year 1999 as the International Year of Older Persons, supported by the regular programme budget for the biennium 1998-1999 and by voluntary contributions, in recognition of humanity's demographic coming of age and the promise it holds for maturing attitudes and capabilities in social, economic, cultural and spiritual undertakings, not least for global peace and development in the next century.

Declaration on the Control of Drug Trafficking and Drug Abuse

14 December 1984

The General Assembly,

Bearing in mind that the purposes and principles of the Charter of the United Nations reaffirm faith in the dignity and worth of the human person and promote social progress and better standards of life in larger freedom and international co-operation in solving problems of an economic, social, cultural or humanitarian character,

Considering that Member States have undertaken in the Universal Declaration of Human Rights to promote social progress and better standards of life for the peoples of the world,

Considering that the international community has expressed grave concern at the fact that trafficking in narcotics and drug abuse constitute an obstacle to the physical and moral well-being of peoples and of youth in particular,

Desiring to heighten the awareness of the international community of the urgency of preventing and punishing the illicit demand for, abuse of and illicit production of and traffic in drugs,

Considering that the Quito Declaration against Traffic in Narcotic Drugs of 11 August 1984 and the New York Declaration against Drug Trafficking and the Illicit Use of Drugs of 1 October 1984 recognize the international nature of this problem and emphasize that it should be solved with the firm support of the entire international community,

Considering that the Commission on Narcotic Drugs, the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control have made valuable contributions to the control and elimination of drug trafficking and drug abuse,

Recognizing that existing international instruments, including the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961, and the Convention on Psychotropic Substances of 1971, have created a legal framework for combating trafficking in narcotic drugs and drug abuse in their specialized fields,

Declares that:

- 1. Drug trafficking and drug abuse are extremely serious problems which, owing to their magnitude, scope and wide-spread pernicious effects, have become an international criminal activity demanding urgent attention and maximum priority.
- 2. The illegal production of, illicit demand for, abuse of and illicit trafficking in drugs impede economic and social progress, constitute a grave threat to the security and development of many countries and peoples and should be combated by all moral, legal and institutional means, at the national, regional and international levels.
- 3. The eradication of trafficking in narcotic drugs is the collective responsibility of all States, especially those affected by problems relating to illicit production, trafficking or abuse.
- 4. States Members shall utilize the legal instruments against the illicit production of and demand for, abuse of and illicit traffic in drugs and adopt additional measures to counter new manifestations of this shameful and heinous crime.
- 5. States Members undertake to intensify efforts and to co-ordinate strategies aimed at the control and eradication of the complex problem of drug trafficking and drug abuse through programmes including economic, social and cultural alternatives.

Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care

17 December 1991

Application

The present Principles shall be applied without discrimination on any grounds, such as disability, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, legal or social status, age, property or birth.

Definitions

In the present Principles:

- (a) "Counsel" means a legal or other qualified representative:
- (b) "Independent authority" means a competent and independent authority prescribed by domestic law;
- (c) "Mental health care" includes analysis and diagnosis of a person's mental condition, and treatment, care and rehabilitation for a mental illness or suspected mental illness;
- (d) "Mental health facility" means any establishment, or any unit of an establishment, which as its primary function provides mental health care;
- (e) "Mental health practitioner" means a medical doctor, clinical psychologist, nurse, social worker or other appropriately trained and qualified person with specific skills relevant to mental health care;
- (f) "Patient" means a person receiving mental health care and includes persons who are admitted to a mental health facility:
- (g) "Personal representative" means a person charged by law with the duty of representing a patient's interests in any specified respect or of exercising specified rights on the patient's behalf, and includes the parent or legal guardian of a minor unless otherwise provided by domestic law;
- (h) "The review body" means the body established in accordance with principle 17 to review the involuntary admission or retention of a patient in a mental health facility.

General limitation clause

The exercise of the rights set forth in the present Principles may be subject only to such limitations as are prescribed by law and are necessary to protect the health or safety of the person concerned or of others, or otherwise to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

PRINCIPLE 1

Fundamental freedoms and basic rights

- 1. All persons have the right to the best available mental health care, which shall be part of the health and social care system.
- 2. All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person.
- 3. All persons with a mental illness, or who are being treated as such persons, have the right to protection from

economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment.

- 4. There shall be no discrimination on the grounds of mental illness. "Discrimination" means any distinction, exclusion or preference that has the effect of nullifying or impairing equal enjoyment of rights. Special measures solely to protect the rights, or secure the advancement, of persons with mental illness shall not be deemed to be discriminatory. Discrimination does not include any distinction, exclusion or preference undertaken in accordance with the provisions of the present Principles and necessary to protect the human rights of a person with a mental illness or of other individuals.
- 5. Every person with a mental illness shall have the right to exercise civil, political, economic, social and cultural rights as recognized in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
- 6. Any decision that, by reason of his or her mental illness, a person lacks legal capacity, and any decision that, in consequence of such incapacity, a personal representative shall be appointed, shall be made only after a fair hearing by an independent and impartial tribunal established by domestic law. The person whose capacity is at issue shall be entitled to be represented by a counsel. If the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person to the extent that he or she does not have sufficient means to pay for it. The counsel shall not in the same proceedings represent a mental health facility or its personnel and shall not also represent a member of the family of the person whose capacity is at issue unless the tribunal is satisfied that there is no conflict of interest. Decisions regarding capacity and the need for a personal representative shall be reviewed at reasonable intervals prescribed by domestic law. The person whose capacity is at issue, his or her personal representative, if any, and any other interested person shall have the right to appeal to a higher court against any such decision.
- 7. Where a court or other competent tribunal finds that a person with mental illness is unable to manage his or her own affairs, measures shall be taken, so far as is necessary and appropriate to that person's condition, to ensure the protection of his or her interests.

PRINCIPLE 2

Protection of minors

Special care should be given within the purposes of the Principles and within the context of domestic law relating to the protection of minors to protect the rights of minors, including,

if necessary, the appointment of a personal representative other than a family member.

PRINCIPLE 3

Life in the community

Every person with a mental illness shall have the right to live and work, to the extent possible, in the community.

PRINCIPLE 4

Determination of mental illness

- A determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards.
- 2. A determination of mental illness shall never be made on the basis of political, economic or social status, or membership in a cultural, racial or religious group, or for any other reason not directly relevant to mental health status.
- 3. Family or professional conflict, or non-conformity with moral, social, cultural or political values or religious beliefs prevailing in a person's community, shall never be a determining factor in the diagnosis of mental illness.
- 4. A background of past treatment or hospitalization as a patient shall not of itself justify any present or future determination of mental illness.
- 5. No person or authority shall classify a person as having, or otherwise indicate that a person has, a mental illness except for purposes directly relating to mental illness or the consequences of mental illness.

PRINCIPLE 5

Medical examination

No person shall be compelled to undergo medical examination with a view to determining whether or not he or she has a mental illness except in accordance with a procedure authorized by domestic law.

PRINCIPLE 6

Confidentiality

The right of confidentiality of information concerning all persons to whom the present Principles apply shall be respected.

PRINCIPLE 7

Role of community and culture

- 1. Every patient shall have the right to be treated and cared for, as far as possible, in the community in which he or she lives.
- 2. Where treatment takes place in a mental health facility, a patient shall have the right, whenever possible, to be treated near his or her home or the home of his or her relatives or friends and shall have the right to return to the community as soon as possible.
- 3. Every patient shall have the right to treatment suited to his or her cultural background.

PRINCIPLE 8

Standards of care

1. Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and

is entitled to care and treatment in accordance with the same standards as other ill persons.

2. Every patient shall be protected from harm, including unjustified medication, abuse by other patients, staff or others or other acts causing mental distress or physical discomfort.

PRINCIPLE 9

Treatment

- 1. Every patient shall have the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others.
- 2. The treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff.
- 3. Mental health care shall always be provided in accordance with applicable standards of ethics for mental health practitioners, including internationally accepted standards such as the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the United Nations General Assembly. Mental health knowledge and skills shall never be abused.
- 4. The treatment of every patient shall be directed towards preserving and enhancing personal autonomy.

PRINCIPLE 10

Medication

- 1. Medication shall meet the best health needs of the patient, shall be given to a patient only for therapeutic or diagnostic purposes and shall never be administered as a punishment or for the convenience of others. Subject to the provisions of paragraph 15 of principle 11 below, mental health practitioners shall only administer medication of known or demonstrated efficacy.
- All medication shall be prescribed by a mental health practitioner authorized by law and shall be recorded in the patient's records.

PRINCIPLE 11

Consent to treatment

- 1, No treatment shall be given to a patient without his or her informed consent, except as provided for in paragraphs 6, 7, 8, 13 and 15 of the present principle.
- 2. Informed consent is consent obtained freely, without threats or improper inducements, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient on:
 - (a) The diagnostic assessment;
- (b) The purpose, method, likely duration and expected benefit of the proposed treatment;
- (c) Alternative modes of treatment, including those less intrusive;
- (d) Possible pain or discomfort, risks and side-effects of the proposed treatment.

- 3. A patient may request the presence of a person or persons of the patient's choosing during the procedure for granting consent.
- 4. A patient has the right to refuse or stop treatment, except as provided a paragraphs 6, 7, 8, 13 and 15 of the present principle. The consequences of refusing or stopping treatment must be explained to the patient.
- 5. A patient shall never be invited or induced to waive the right to informed consent. If the patient should seek to do so, it shall be explained to the patient that the treatment cannot be given without informed consent.
- 6. Except as provided in paragraphs 7, 8, 12, 13, 14 and 15 of the present principle, a proposed plan of treatment may be given to a patient without a patient's informed consent if the following conditions are satisfied:
- (a) The patient is, at the relevant time, held as an involuntary patient;
- (b) An independent authority, having in its possession all relevant information, including the information specified in paragraph 2 of the present principle, is satisfied that, at the relevant time, the patient lacks the capacity to give or withhold informed consent to the proposed plan of treatment or, if domestic legislation so provides, that, having regard to the patient's own safety or the safety of others, the patient unreasonably withholds such consent;
- (c) The independent authority is satisfied that the proposed plan of treatment is in the best interest of the patient's health needs.
- 7. Paragraph 6 above does not apply to a patient with a personal representative empowered by law to consent to treatment for the patient; but, except as provided in paragraphs 12, 13, 14 and 15 of the present principle, treatment may be given to such a patient without his or her informed consent if the personal representative, having been given the information described in paragraph 2 of the present principle, consents on the patient's behalf.
- 8. Except as provided in paragraphs 12, 13, 14 and 15 of the present principle, treatment may also be given to any patient without the patient's informed consent if a qualified mental health practitioner authorized by law determines that it is urgently necessary in order to prevent immediate or imminent harm to the patient or to other persons. Such treatment shall not be prolonged beyond the period that is strictly necessary for this purpose.
- 9. Where any treatment is authorized without the patient's informed consent, every effort shall nevertheless be made to inform the patient about the nature of the treatment and any possible alternatives and to involve the patient as far as practicable in the development of the treatment plan.
- All treatment shall be immediately recorded in the patient's medical records, with an indication of whether involuntary or voluntary.
- 11. Physical restraint or involuntary seclusion of a patient shall not be employed except in accordance with the officially approved procedures of the mental health facility and only when it is the only means available to prevent immediate or imminent harm to the patient or others. It shall not be prolonged beyond the period which is strictly necessary for this purpose. All instances of physical restraint or involuntary seclusion, the

- reasons for them and their nature and extent shall be recorded in the patient's medical record. A patient who is restrained or secluded shall be kept under humane conditions and be under the care and close and regular supervision of qualified members of the staff. A personal representative, if any and if relevant, shall be given prompt notice of any physical restraint or involuntary seclusion of the patient.
- 12. Sterilization shall never be carried out as a treatment for mental illness.
- 13. A major medical or surgical procedure may be carried out on a person with menial illness only where it is permitted by domestic law, where it is considered that it would best serve the health needs of the patient and where the patient gives informed consent, except that, where the patient is unable to give informed consent, the procedure shall be authorized only after independent review.
- 14. Psychosurgery and other intrusive and irreversible treatments for mental illness shall never be carried out on a patient who is an involuntary patient in a mental health facility and, to the extent that domestic law permits them to be carried out, they may be carried out on any other patient only where the patient has given informed consent and an independent external body has satisfied itself that there is genuine informed consent and that the treatment best serves the health needs of the patient.
- 15. Clinical trials and experimental treatment shall never be carried out on any patient without informed consent, except that a patient who is able to give informed consent may be admitted to a clinical trial or given experimental treatment, but only with the approval of a competent, independent review body specifically constituted for this purpose.
- 16. In the cases specified in paragraphs 6, 7, 8, 13, 14 and 15 of the present principle, the patient or his or her personal representative, or any interested person, shall have the right to appeal to a judicial or other independent authority concerning any treatment given to him or her.

PRINCIPLE 12

Notice of rights

- 1. A patient in a mental health facility shall be informed as soon as possible after admission, in a form and a language which the patient understands, of all his or her rights in accordance with the present Principles and under domestic law, and the information shall include an explanation of those rights and how to exercise them.
- 2. If and for so long as a patient is unable to understand such information, the rights of the patient shall be communicated to the personal representative, if any and if appropriate, and to the person or persons best able to represent the patient's interests and willing to do so.
- 3. A patient who has the necessary capacity has the right to nominate a person who should be informed on his or her behalf, as well as a person to represent his or her interests to the authorities of the facility.

PRINCIPLE 13

Rights and conditions in mental health facilities

1. Every patient in a mental health facility shall, in particular, have the right to full respect for his or her:

- (a) Recognition everywhere as a person before the law;
- (b) Privacy;
- (c) Freedom of communication, which includes freedom to communicate with other persons in the facility; freedom to send and receive uncensored private communications; freedom to receive, in private, visits from a counsel or personal representative and, at all reasonable times, from other visitors; and freedom of access to postal and telephone services and to newspapers, radio and television;
 - (d) Freedom of religion or belief.
- 2. The environmental and living conditions in mental health facilities shall be as close as possible to those of the normal life of persons of similar age and in particular shall include:
 - (a) Facilities for recreational and leisure activities;
 - (b) Facilities for education;
- (c) Facilities to purchase or receive items for daily living, recreation and communication;
- (d) Facilities, and encouragement to use such facilities, for a patient's engagement in active occupation suited to his or her social and cultural background, and for appropriate vocational rehabilitation measures to promote reintegration in the community. These measures should include vocational guidance, vocational training and placement services to enable patients to secure or retain employment in the community.
- 3. In no circumstances shall a patient be subject to forced labour. Within the limits compatible with the needs of the patient and with the requirements of institutional administration, a patient shall be able to choose the type of work he or she wishes to perform.
- 4. The labour of a patient in a mental health facility shall not be exploited. Every such patient shall have the right to receive the same remuneration for any work which he or she does as would, according to domestic law or custom, be paid for such work to a non-patient. Every such patient shall, in any event, have the right to receive a fair share of any remuneration which is paid to the mental health facility for his or her work.

PRINCIPLE 14

Resources for mental health facilities

- 1. A mental health facility shall have access to the same level of resources as any other health establishment, and in particular:
- (a) Qualified medical and other appropriate professional staff in sufficient numbers and with adequate space to provide each patient with privacy and a programme of appropriate and active therapy;
 - (b) Diagnostic and therapeutic equipment for the patient;
 - (c) Appropriate professional care;
- (d) Adequate, regular and comprehensive treatment, including supplies of medication.
- 2. Every mental health facility shall be inspected by the competent authorities with sufficient frequency to ensure that the conditions, treatment and care of patients comply with the present Principles.

PRINCIPLE 15

Admission principles

- 1. Where a person needs treatment in a mental health facility, every effort shall be made to avoid involuntary admission.
- Access to a mental health facility shall be administered in the same way as access to any other facility for any other illness.
- 3. Every patient not admitted involuntarily shall have the right to leave the mental health facility at any time unless the criteria for his or her retention as an involuntary patient, as set forth in principle 16 below, apply, and he or she shall be informed of that right.

PRINCIPLE 16

Involuntary admission

- 1. A person may be admitted involuntarily to a mental health facility as a patient or, having already been admitted voluntarily as a patient, be retained as an involuntary patient in the mental health facility if, and only if, a qualified mental health practitioner authorized by law for that purpose determines, in accordance with principle 4 above, that that person has a mental illness and considers:
- (a) That, because of that mental illness, there is a serious likelihood of immediate or imminent harm to that person or to other persons; or
- (b) That, in the case of a person whose mental illness is severe and whose judgement is impaired, failure to admit or retain that person is likely to lead to a serious deterioration in his or her condition or will prevent the giving of appropriate treatment that can only be given by admission to a mental health facility in accordance with the principle of the least restrictive alternative.

In the case referred to in subparagraph (b), a second such mental health practitioner, independent of the first, should be consulted where possible. If such consultation takes place, the involuntary admission or retention may not take place unless the second mental health practitioner concurs.

- 2. Involuntary admission or retention shall initially be for a short period as specified by domestic law for observation and preliminary treatment pending review of the admission or retention by the review body. The grounds of the admission shall be communicated to the patient without delay and the fact of the admission and the grounds for it shall also be communicated promptly and in detail to the review body, to the patient's personal representative, if any, and, unless the patient objects, to the patient's family.
- 3. A mental health facility may receive involuntarily admitted patients only if the facility has been designated to do so by a competent authority prescribed by domestic law.

PRINCIPLE 17

Review body

1. The review body shall be a judicial or other independent and impartial body established by domestic law and functioning in accordance with procedures laid down by domestic law. It shall, in formulating its decisions, have the assistance

of one or more qualified and independent mental health practitioners and take their advice into account.

- 2. The initial review of the review body, as required by paragraph 2 of principle 16 above, of a decision to admit or retain a person as an involuntary patient shall take place as soon as possible after the decision and shall be conducted in accordance with simple and expeditious procedures as specified by domestic law.
- The review body shall periodically review the cases of involuntary patients at reasonable intervals as specified by domestic law.
- 4. An involuntary patient may apply to the review body for release or voluntary status, at reasonable intervals as specified by domestic law.
- 5. At each review, the review body shall consider whether the criteria for involuntary admission set out in paragraph 1 of principle 16 above are still satisfied, and, if not, the patient shall be discharged as an involuntary patient.
- 6. If at any time the mental health practitioner responsible for the case is satisfied that the conditions for the retention of a person as an involuntary patient are no longer satisfied, he or she shall order the discharge of that person as such a patient.
- 7. A patient or his personal representative or any interested person shall have the right to appeal to a higher court against a decision that the patient be admitted to, or be retained in, a mental health facility.

PRINCIPLE 18

Procedural safeguards

- 1. The patient shall be entitled to choose and appoint a counsel to represent the patient as such, including representation in any complaint procedure or appeal. If the patient does not secure such services, a counsel shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.
- 2. The patient shall also be entitled to the assistance, if necessary, of the services of an interpreter. When such services are necessary and the patient does not secure them, they shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.
- The patient and the patient's counsel may request and produce at any hearing an independent mental health report and any other reports and oral, written and other evidence that are relevant and admissible.
- 4. Copies of the patient's records and any reports and documents to be submitted shall be given to the patient and to the patient's counsel, except in special cases where it is determined that a specific disclosure to the patient would cause serious harm to the patient's health or put at risk the safety of others. As domestic law may provide, any document not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any part of a document is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.

- 5. The patient and the patient's personal representative and counsel shall be entitled to attend, participate and be heard personally at any hearing.
- 6. If the patient or the patient's personal representative or counsel requests that a particular person be present at a hearing, that person shall be admitted unless it is determined that the person's presence could cause serious harm to the patient's health or put at risk the safety of others.
- 7. Any decision on whether the hearing or any part of it shall be in public or in private and may be publicly reported shall give full consideration to the patient's own wishes, to the need to respect the privacy of the patient and of other persons and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.
- 8. The decision arising out of the hearing and the reasons for it shall be expressed in writing. Copies shall be given to the patient and his or her personal representative and counsel. In deciding whether the decision shall be published in whole or in part, full consideration shall be given to the patient's own wishes, to the need to respect his or her privacy and that of other persons, to the public interest in the open administration of justice and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

PRINCIPLE 19

Access to information

- 1. A patient (which term in the present principle includes a former patient) shall be entitled to have access to the information concerning the patient in his or her health and personal records maintained by a mental health facility. This right may be subject to restrictions in order to prevent serious harm to the patient's health and avoid putting at risk the safety of others. As domestic law may provide, any such information not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any of the information is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.
- 2. Any written comments by the patient or the patient's personal representative or counsel shall, on request, be inserted in the patient's file.

PRINCIPLE 20

Criminal offenders

- 1. The present Principle applies to persons serving sentences of imprisonment for criminal offences, or who are otherwise detained in the course of criminal proceedings or investigations against them, and who are determined to have a mental illness or who it is believed may have such an illness.
- 2. All such persons should receive the best available mental health care as provided in principle 1 above. The present Principles shall apply to them to the fullest extent possible, with only such limited modifications and exceptions as are necessary in the circumstances. No such modifications and exceptions shall prejudice the persons' rights under the instruments noted in paragraph 5 of principle 1 above.

- 3. Domestic law may authorize a court or other competent authority, acting on the basis of competent and independent medical advice, to order that such persons be admitted to a mental health facility.
- 4. Treatment of persons determined to have a mental illness shall in all circumstances be consistent with principle 11 above.

PRINCIPLE 21

Complaints

Every patient and former patient shall have the right to make a complaint through procedures as specified by domestic law.

PRINCIPLE 22

Monitoring and remedies

States shall ensure that appropriate mechanisms are in force to promote compliance with the present Principles, for the inspection of mental health facilities, for the submission, investigation and resolution of complaints and for the institution of appropriate disciplinary or judicial proceedings for professional misconduct or violation of the rights of a patient.

PRINCIPLE 23

Implementation

- 1. States should implement the present Principles through appropriate legislative, judicial, administrative, educational and other measures, which they shall review periodically.
- 2. States shall make the present Principles widely known by appropriate and active means.

PRINCIPLE 24

Scope of principles relating to mental health facilities

The present Principles apply to all persons who are admitted to a mental health facility.

PRINCIPLE 25

Saving of existing rights

There shall be no restriction upon or derogation from any existing rights of patients, including rights recognized in applicable international domestic law, on the pretext that the present Principles do not recognize such rights or that they recognize them to a lesser extent.

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities

20 December 1993

INTRODUCTION

Background and current needs

- 1. There are persons with disabilities in all parts of the world and at all levels in every society. The number of persons with disabilities in the world is large and is growing.
- 2. Both the causes and the consequences of disability vary throughout the world. Those variations are the result of different socio-economic circumstances and of the different provisions that States make for the well-being of their citizens.
- 3. Present disability policy is the result of developments over the past 200 years. In many ways it reflects the general living conditions and social and economic policies of different times. In the disability field, however, there are also many specific circumstances that have influenced the living conditions of persons with disabilities. Ignorance, neglect, superstition and fear are social factors that throughout the history of disability have isolated persons with disabilities and delayed their development.
- 4. Over the years disability policy developed from elementary care at institutions to education for children with disabilities and rehabilitation for persons who became disabled during adult life. Through education and rehabilitation, persons with disabilities became more active and a driving force in the further development of disability policy. Organizations of persons with disabilities, their families and advocates were formed, which advocated better conditions for persons with disabilities. After the Second World War the concepts of integration and normalization were introduced, which reflected a growing awareness of the capabilities of persons with disabilities.
- 5. Towards the end of the 1960s organizations of persons with disabilities in some countries started to formulate a new concept of disability. That new concept indicated the close connection between the limitation experienced by individuals with disabilities, the design and structure of their environments and the attitude of the general population. At the same time the problems of disability in developing countries were more and more highlighted. In some of those countries the percentage of the population with disabilities was estimated to be very high and, for the most part, persons with disabilities were extremely poor.

Previous international action

6. The rights of persons with disabilities have been the subject of much attention in the United Nations and other international organizations over a long period of time. The most important outcome of the International Year of Disabled Persons, 1981, was the World Programme of Action concerning Disabled Persons, adopted by the General Assembly by its resolution 37/52 of 3 December 1982. The Year and the World Programme of Action provided a strong impetus for progress in the field. They both emphasized the right of persons with disabilities to the same opportunities as other citizens and to an equal share in the improvements in living conditions resulting

from economic and social development. There also, for the first time, handicap was defined as a function of the relationship between persons with disabilities and their environment.

- 7. The Global Meeting of Experts to Review the Implementation of the World Programme of Action concerning Disabled Persons at the Mid-Point of the United Nations Decade of Disabled Persons was held at Stockholm in 1987. It was suggested at the Meeting that a guiding philosophy should be developed to indicate the priorities for action in the years ahead. The basis of that philosophy should be the recognition of the rights of persons with disabilities.
- 8. Consequently, the Meeting recommended that the General Assembly convene a special conference to draft an international convention on the elimination of all forms of discrimination against persons with disabilities, to be ratified by States by the end of the Decade.
- 9. A draft outline of the convention was prepared by Italy and presented to the General Assembly at its forty-second session. Further presentations concerning a draft convention were made by Sweden at the forty-fourth session of the Assembly. However, on both occasions, no consensus could be reached on the suitability of such a convention. In the opinion of many representatives, existing human rights documents seemed to guarantee persons with disabilities the same rights as other persons.

Towards standard rules

- 10. Guided by the deliberations in the General Assembly, the Economic and Social Council, at its first regular session of 1990, finally agreed to concentrate on the elaboration of an international instrument of a different kind. By its resolution 1990/26 of 24 May 1990, the Council authorized the Commission for Social Development to consider, at its thirty-second session, the establishment of an ad hoc open-ended working group of government experts, funded by voluntary contributions, to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults, in close collaboration with the specialized agencies, other intergovernmental bodies and non-governmental organizations, especially organizations of disabled persons. The Council also requested the Commission to finalize the text of those rules for consideration in 1993 and for submission to the General Assembly at its forty-eighth session.
- 11. The subsequent discussions in the Third Committee of the General Assembly at the forty-fifth session showed that there was wide support for the new initiative to elaborate standard rules on the equalization of opportunities for persons with disabilities.
- 12. At the thirty-second session of the Commission for Social Development, the initiative for standard rules received the support of a large number of representatives and discussions led to the adoption of resolution 32/2 of 20 February 1991, in which the Commission decided to establish an ad hoc open-

ended working group in accordance with Economic and Social Council resolution 1990/26.

Purpose and content of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

- 13. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities have been developed on the basis of the experience gained during the United Nations Decade of Disabled Persons (1983-1992). The International Bill of Human Rights, comprising the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the World Programme of Action concerning Disabled Persons, constitute the political and moral foundation for the Rules.
- 14. Although the Rules are not compulsory, they can become international customary rules when they are applied by a great number of States with the intention of respecting a rule in international law. They imply a strong moral and political commitment on behalf of States to take action for the equalization of opportunities for persons with disabilities. Important principles for responsibility, action and cooperation are indicated. Areas of decisive importance for the quality of life and for the achievement of full participation and equality are pointed out. The Rules offer an instrument for policy-making and action to persons with disabilities and their organizations. They provide a basis for technical and economic cooperation among States, the United Nations and other international organizations.
- 15. The purpose of the Rules is to ensure that girls, boys, women and men with disabilities, as members of their societies, may exercise the same rights and obligations as others. In all societies of the world there are still obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. It is the responsibility of States to take appropriate action to remove such obstacles. Persons with disabilities and their organizations should play an active role as partners in this process. The equalization of opportunities for persons with disabilities is an essential contribution in the general and worldwide effort to mobilize human resources. Special attention may need to be directed towards groups such as women, children, the elderly, the poor, migrant workers, persons with dual or multiple disabilities, indigenous people and ethnic minorities. In addition, there are a large number of refugees with disabilities who have special needs requiring attention.

Fundamental concepts in disability policy

16. The concepts set out below appear throughout the Rules. They are essentially built on the concepts in the World Programme of Action concerning Disabled Persons. In some cases they reflect the development that has taken place during the United Nations Decade of Disabled Persons.

Disability and handicap

17. The term "disability" summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or men-

tal illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.

- 18. The term "handicap" means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and the environment. The purpose of this term is to emphasize the focus on the shortcomings in the environment and in many organized activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.
- 19. The use of the two terms "disability" and "handicap", as defined in paragraphs 17 and 18 above, should be seen in the light of modern disability history. During the 1970s there was a strong reaction among representatives of organizations of persons with disabilities and professionals in the field of disability against the terminology of the time. The terms "disability" and "handicap" were often used in an unclear and confusing way, which gave poor guidance for policy-making and for political action. The terminology reflected a medical and diagnostic approach, which ignored the imperfections and deficiencies of the surrounding society.
- 20. In 1980, the World Health Organization adopted an international classification of impairments, disabilities and handicaps, which suggested a more precise and at the same time relativistic approach. The International Classification of Impairments, Disabilities, and Handicaps makes a clear distinction between "impairment", "disability" and "handicap". It has been extensively used in areas such as rehabilitation, education, statistics, policy, legislation, demography, sociology, economics and anthropology. Some users have expressed concern that the Classification, in its definition of the term "handicap", may still be considered too medical and too centred on the individual, and may not adequately clarify the interaction between societal conditions or expectations and the abilities of the individual. Those concerns, and others expressed by users during the 12 years since its publication, will be addressed in forthcoming revisions of the Classification.
- 21. As a result of experience gained in the implementation of the World Programme of Action and of the general discussion that took place during the United Nations Decade of Disabled Persons, there was a deepening of knowledge and extension of understanding concerning disability issues and the terminology used. Current terminology recognizes the necessity of addressing both the individual needs (such as rehabilitation and technical aids) and the shortcomings of the society (various obstacles for participation).
- 22. The term "prevention" means action aimed at preventing the occurrence of physical, intellectual, psychiatric or sensory impairments (primary prevention) or at preventing impairments from causing a permanent functional limitation or disability (secondary prevention). Prevention may include many different types of action, such as primary health care, prenatal and postnatal care, education in nutrition, immunization campaigns against communicable diseases, measures to control endemic diseases, safety regulations, programmes for the prevention of accidents in different environments, including adaptation of workplaces to prevent occupational disabilities and diseases, and prevention of disability resulting from pollution of the environment or armed conflict.

Rehabilitation

23. The term "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric and/or social functional levels, thus providing them with the tools to change their lives towards a higher level of independence. Rehabilitation may include measures to provide and/or restore functions, or compensate for the loss or absence of a function or for a functional limitation. The rehabilitation process does not involve initial medical care. It includes a wide range of measures and activities from more basic and general rehabilitation to goal-oriented activities, for instance vocational rehabilitation.

Equalization of opportunities

- 24. The term "equalization of opportunities" means the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to persons with disabilities.
- 25. The principle of equal rights implies that the needs of each and every individual are of equal importance, that those needs must be made the basis for the planning of societies and that all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation.
- 26. Persons with disabilities are members of society and have the right to remain within their local communities. They should receive the support they need within the ordinary structures of education, health, employment and social services.
- 27. As persons with disabilities achieve equal rights, they should also have equal obligations. As those rights are being achieved, societies should raise their expectations of persons with disabilities. As part of the process of equal opportunities, provision should be made to assist persons with disabilities to assume their full responsibility as members of society.

PREAMBLE

States,

Mindful of the pledge made, under the Charter of the United Nations, to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment, and conditions of economic and social progress and development,

Reaffirming the commitment to human rights and fundamental freedoms, social justice and the dignity and worth of the human person proclaimed in the Charter,

Recalling in particular the international standards on human rights, which have been laid down in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Underlining that those instruments proclaim that the rights recognized therein should be ensured equally to all individuals without discrimination,

Recalling the Convention on the Rights of the Child, which prohibits discrimination on the basis of disability and requires special measures to ensure the rights of children with disabilities, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which provides for some protective measures against disability,

. Recalling also the provisions in the Convention on the Elimination of All Forms of Discrimination against Women to ensure the rights of girls and women with disabilities.

Having regard to the Declaration on the Rights of Disabled Persons, the Declaration on the Rights of Mentally Retarded Persons, the Declaration on Social Progress and Development, the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care and other relevant instruments adopted by the General Assembly,

Also having regard to the relevant conventions and recommendations adopted by the International Labour Organisation, with particular reference to participation in employment without discrimination for persons with disabilities,

Mindful of the relevant recommendations and work of the United Nations Educational, Scientific and Cultural Organization, in particular the World Declaration on Education for All, the World Health Organization, the United Nations Children's Fund and other concerned organizations,

Having regard to the commitment made by States concerning the protection of the environment,

Mindful of the devastation caused by armed conflict and deploring the use of scarce resources in the production of weapons,

Recognizing that the World Programme of Action concerning Disabled Persons and the definition therein of equalization of opportunities represent earnest ambitions on the part of the international community to render those various international instruments and recommendations of practical and concrete significance.

Acknowledging that the objective of the United Nations Decade of Disabled Persons (1983-1992) to implement the World Programme of Action is still valid and requires urgent and continued action,

Recalling that the World Programme of Action is based on concepts that are equally valid in developing and industrialized countries,

Convinced that intensified efforts are needed to achieve the full and equal enjoyment of human rights and participation in society by persons with disabilities,

Re-emphasizing that persons with disabilities, and their parents, guardians, advocates and organizations, must be active partners with States in the planning and implementation of all measures affecting their civil, political, economic, social and cultural rights,

In pursuance of Economic and Social Council resolution 1990/26, and basing themselves on the specific measures required for the attainment by persons with disabilities of equality with others, enumerated in detail in the World Programme of Action,

Have adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities outlined below, in order:

- (a) To stress that all action in the field of disability presupposes adequate knowledge and experience of the conditions and special needs of persons with disabilities;
- (b) To emphasize that the process through which every aspect of societal organization is made accessible to all is a basic objective of socio-economic development;

- (c) To outline crucial aspects of social policies in the field of disability, including, as appropriate, the active encouragement of technical and economic cooperation;
- (d) To provide models for the political decision-making process required for the attainment of equal opportunities, bearing in mind the widely differing technical and economic levels, the fact that the process must reflect keen understanding of the cultural context within which it takes place and the crucial role of persons with disabilities in it;
- (e) To propose national mechanisms for close collaboration among States, the organs of the United Nations system, other intergovernmental bodies and organizations of persons with disabilities:
- (f) To propose an effective machinery for monitoring the process by which States seek to attain the equalization of opportunities for persons with disabilities.

I. PRECONDITIONS FOR EQUAL PARTICIPATION

Rule 1. Awareness-raising

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.

- 1. States should ensure that responsible authorities distribute up-to-date information on available programmes and services to persons with disabilities, their families, professionals in the field and the general public. Information to persons with disabilities should be presented in accessible form.
- 2. States should initiate and support information campaigns concerning persons with disabilities and disability policies, conveying the message that persons with disabilities are citizens with the same rights and obligations as others, thus justifying measures to remove all obstacles to full participation.
- 3. States should encourage the portrayal of persons with disabilities by the mass media in a positive way; organizations of persons with disabilities should be consulted on this matter.
- 4. States should ensure that public education programmes reflect in all their aspects the principle of full participation and equality.
- 5. States should invite persons with disabilities and their families and organizations to participate in public education programmes concerning disability matters.
- 6. States should encourage enterprises in the private sector to include disability issues in all aspects of their activity.
- 7. States should initiate and promote programmes aimed at raising the level of awareness of persons with disabilities concerning their rights and potential. Increased self-reliance and empowerment will assist persons with disabilities to take advantage of the opportunities available to them.
- 8. Awareness-raising should be an important part of the education of children with disabilities and in rehabilitation programmes. Persons with disabilities could also assist one another in awareness-raising through the activities of their own organizations.
- 9. Awareness-raising should be part of the education of all children and should be a component of teacher-training courses and training of all professionals.

Rule 2. Medical care

States should ensure the provision of effective medical care to persons with disabilities.

- 1. States should work towards the provision of programmes run by multidisciplinary teams of professionals for early detection, assessment and treatment of impairment. This could prevent, reduce or eliminate disabling effects. Such programmes should ensure the full participation of persons with disabilities and their families at the individual level, and of organizations of persons with disabilities at the planning and evaluation level.
- 2. Local community workers should be trained to participate in areas such as early detection of impairments, the provision of primary assistance and referral to appropriate services.
- 3. States should ensure that persons with disabilities, particularly infants and children, are provided with the same level of medical care within the same system as other members of society.
- 4. States should ensure that all medical and paramedical personnel are adequately trained and equipped to give medical care to persons with disabilities and that they have access to relevant treatment methods and technology.
- 5. States should ensure that medical, paramedical and related personnel are adequately trained so that they do not give inappropriate advice to parents, thus restricting options for their children. This training should be an ongoing process and should be based on the latest information available.
- 6. States should ensure that persons with disabilities are provided with any regular treatment and medicines they may need to preserve or improve their level of functioning.

Rule 3. Rehabilitation*

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

- 1. States should develop national rehabilitation programmes for all groups of persons with disabilities. Such programmes should be based on the actual individual needs of persons with disabilities and on the principles of full participation and equality.
- 2. Such programmes should include a wide range of activities, such as basic skills training to improve or compensate for an affected function, counselling of persons with disabilities and their families, developing self-reliance, and occasional services such as assessment and guidance.
- 3. All persons with disabilities, including persons with severe and/or multiple disabilities, who require rehabilitation should have access to it.
- 4. Persons with disabilities and their families should be able to participate in the design and organization of rehabilitation services concerning themselves.
- 5. All rehabilitation services should be available in the local community where the person with disabilities lives. However, in some instances, in order to attain a certain training objective, special time-limited rehabilitation courses may be organized, where appropriate, in residential form.

^{*}Rehabilitation is a fundamental concept in disability policy and is defined above in paragraph 23 of the introduction.

- 6. Persons with disabilities and their families should be encouraged to involve themselves in rehabilitation, for instance as trained teachers, instructors or counsellors.
- 7. States should draw upon the expertise of organizations of persons with disabilities when formulating or evaluating rehabilitation programmes.

Rule 4. Support services

States should ensure the development and supply of support services, including assistive devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.

- 1. States should ensure the provision of assistive devices and equipment, personal assistance and interpreter services, according to the needs of persons with disabilities, as important measures to achieve the equalization of opportunities.
- 2. States should support the development, production, distribution and servicing of assistive devices and equipment and the dissemination of knowledge about them.
- 3. To achieve this, generally available technical knowhow should be utilized. In States where high-technology industry is available, it should be fully utilized to improve the standard and effectiveness of assistive devices and equipment. It is important to stimulate the development and production of simple and inexpensive devices, using local material and local production facilities when possible. Persons with disabilities themselves could be involved in the production of those devices.
- 4. States should recognize that all persons with disabilities who need assistive devices should have access to them as appropriate, including financial accessibility. This may mean that assistive devices and equipment should be provided free of charge or at such a low price that persons with disabilities or their families can afford to buy them.
- 5. In rehabilitation programmes for the provision of assistive devices and equipment, States should consider the special requirements of girls and boys with disabilities concerning the design, durability and age-appropriateness of assistive devices and equipment.
- 6. States should support the development and provision of personal assistance programmes and interpretation services, especially for persons with severe and/or multiple disabilities. Such programmes would increase the level of participation of persons with disabilities in everyday life at home, at work, in school and during leisure-time activities.
- 7. Personal assistance programmes should be designed in such a way that the persons with disabilities using the programmes have a decisive influence on the way in which the programmes are delivered.

II. TARGET AREAS FOR EQUAL PARTICIPATION

Rule 5. Accessibility

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

(a) Access to the physical environment

- 1. States should initiate measures to remove the obstacles to participation in the physical environment. Such measures should be to develop standards and guidelines and to consider enacting legislation to ensure accessibility to various areas in society, such as housing, buildings, public transport services and other means of transportation, streets and other outdoor environments.
- 2. States should ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment have access to adequate information on disability policy and measures to achieve accessibility.
- 3. Accessibility requirements should be included in the design and construction of the physical environment from the beginning of the designing process.
- 4. Organizations of persons with disabilities should be consulted when standards and norms for accessibility are being developed. They should also be involved locally from the initial planning stage when public construction projects are being designed, thus ensuring maximum accessibility.

(b) Access to information and communication

- 5. Persons with disabilities and, where appropriate, their families and advocates should have access to full information on diagnosis, rights and available services and programmes, at all stages. Such information should be presented in forms accessible to persons with disabilities.
- 6. States should develop strategies to make information services and documentation accessible for different groups of persons with disabilities. Braille, tape services, large print and other appropriate technologies should be used to provide access to written information and documentation for persons with visual impairments. Similarly, appropriate technologies should be used to provide access to spoken information for persons with auditory impairments or comprehension difficulties.
- 7. Consideration should be given to the use of sign language in the education of deaf children, in their families and communities. Sign language interpretation services should also be provided to facilitate the communication between deaf persons and others.
- 8. Consideration should also be given to the needs of people with other communication disabilities.
- 9. States should encourage the media, especially television, radio and newspapers, to make their services accessible.
- 10. States should ensure that new computerized information and service systems offered to the general public are either made initially accessible or are adapted to be made accessible to persons with disabilities.
- 11. Organizations of persons with disabilities should be consulted when measures to make information services accessible are being developed.

Rule 6. Education

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

- 1. General educational authorities are responsible for the education of persons with disabilities in integrated settings. Education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization.
- Education in mainstream schools presupposes the provision of interpreter and other appropriate support services.
 Adequate accessibility and support services, designed to meet the needs of persons with different disabilities, should be provided.
- 3. Parent groups and organizations of persons with disabilities should be involved in the education process at all levels.
- 4. In States where education is compulsory it should be provided to girls and boys with all kinds and all levels of disabilities, including the most severe.
 - 5. Special attention should be given in the following areas:
 - (a) Very young children with disabilities;
 - (b) Pre-school children with disabilities;
 - (c) Adults with disabilities, particularly women.
- 6. To accommodate educational provisions for persons with disabilities in the mainstream, States should:
- (a) Have a clearly stated policy, understood and accepted at the school level and by the wider community;
- (b) Allow for curriculum flexibility, addition and adaptation;
- (c) Provide for quality materials, ongoing teacher training and support teachers.
- 7. Integrated education and community-based programmes should be seen as complementary approaches in providing cost-effective education and training for persons with disabilities. National community-based programmes should encourage communities to use and develop their resources to provide local education to persons with disabilities.
- 8. In situations where the general school system does not yet adequately meet the needs of all persons with disabilities, special education may be considered. It should be aimed at preparing students for education in the general school system. The quality of such education should reflect the same standards and ambitions as general education and should be closely linked to it. At a minimum, students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education. It is acknowledged that in some instances special education may currently be considered to be the most appropriate form of education for some students with disabilities.
- 9. Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in schools for such persons or special classes and units in mainstream schools. At the initial stage, in particular, special attention needs to be focused on culturally sensitive instruction that will result in effective communication skills and maximum independence for people who are deaf or deaf/blind.

Rule 7. Employment

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban

areas they must have equal opportunities for productive and gainful employment in the labour market.

- 1. Laws and regulations in the employment field must not discriminate against persons with disabilities and must not raise obstacles to their employment.
- 2. States should actively support the integration of persons with disabilities into open employment. This active support could occur through a variety of measures, such as vocational training, incentive-oriented quota schemes, reserved or designated employment, loans or grants for small business, exclusive contracts or priority production rights, tax concessions, contract compliance or other technical or financial assistance to enterprises employing workers with disabilities. States should also encourage employers to make reasonable adjustments to accommodate persons with disabilities.
 - 3. States' action programmes should include:
- (a) Measures to design and adapt workplaces and work premises in such a way that they become accessible to persons with different disabilities;
- (b) Support for the use of new technologies and the development and production of assistive devices, tools and equipment and measures to facilitate access to such devices and equipment for persons with disabilities to enable them to gain and maintain employment;
- (c) Provision of appropriate training and placement and ongoing support such as personal assistance and interpreter services.
- 4. States should initiate and support public awarenessraising campaigns designed to overcome negative attitudes and prejudices concerning workers with disabilities.
- 5. In their capacity as employers, States should create favourable conditions for the employment of persons with disabilities in the public sector.
- 6. States, workers' organizations and employers should cooperate to ensure equitable recruitment and promotion policies, employment conditions, rates of pay, measures to improve the work environment in order to prevent injuries and impairments and measures for the rehabilitation of employees who have sustained employment-related injuries.
- 7. The aim should always be for persons with disabilities to obtain employment in the open labour market. For persons with disabilities whose needs cannot be met in open employment, small units of sheltered or supported employment may be an alternative. It is important that the quality of such programmes be assessed in terms of their relevance and sufficiency in providing opportunities for persons with disabilities to gain employment in the labour market.
- 8. Measures should be taken to include persons with disabilities in training and employment programmes in the private and informal sectors.
- 9. States, workers' organizations and employers should cooperate with organizations of persons with disabilities concerning all measures to create training and employment opportunities, including flexible hours, part-time work, job-sharing, self-employment and attendant care for persons with disabilities.

Rule 8. Income maintenance and social security

States are responsible for the provision of social security maintenance for persons with disabilities.

- 1. States should ensure the provision of adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost or received a reduction in their income or have been denied employment opportunities. States should ensure that the provision of support takes into account the costs frequently incurred by persons with disabilities and their families as a result of the disability.
- 2. In countries where social security, social insurance or other social welfare schemes exist or are being developed for the general population, States should ensure that such systems do not exclude or discriminate against persons with disabilities.
- 3. States should also ensure the provision of income support and social security protection to individuals who undertake the care of a person with a disability.
- 4. Social security systems should include incentives to restore the income-earning capacity of persons with disabilities. Such systems should provide or contribute to the organization, development and financing of vocational training. They should also assist with placement services.
- 5. Social security programmes should also provide incentives for persons with disabilities to seek employment in order to establish or re-establish their income-earning capacity.
- 6. Income support should be maintained as long as the disabling conditions remain in a manner that does not discourage persons with disabilities from seeking employment. It should only be reduced or terminated when persons with disabilities achieve adequate and secure income.
- 7. States, in countries where social security is to a large extent provided by the private sector, should encourage local communities, welfare organizations and families to develop self-help measures and incentives for employment or employment-related activities for persons with disabilities.

Rule 9. Family life and personal integrity

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

- 1. Persons with disabilities should be enabled to live with their families. States should encourage the inclusion in family counselling of appropriate modules regarding disability and its effects on family life. Respite-care and attendant-care services should be made available to families which include a person with disabilities. States should remove all unnecessary obstacles to persons who want to foster or adopt a child or adult with disabilities.
- 2. Persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood. Taking into account that persons with disabilities may experience difficulties in getting married and setting up a family, States should encourage the availability of appropriate counselling. Persons with disabilities must have the same access as others to family-planning methods, as well as to information in accessible form on the sexual functioning of their bodies.

- 3. States should promote measures to change negative attitudes towards marriage, sexuality and parenthood of persons with disabilities, especially of girls and women with disabilities, which still prevail in society. The media should be encouraged to play an important role in removing such negative attitudes.
- 4. Persons with disabilities and their families need to be fully informed about taking precautions against sexual and other forms of abuse. Persons with disabilities are particularly vulnerable to abuse in the family, community or institutions and need to be educated on how to avoid the occurrence of abuse, recognize when abuse has occurred and report on such acts.

Rule 10. Culture

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

- 1. States should ensure that persons with disabilities have the opportunity to utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community, be they in urban or rural areas. Examples of such activities are dance, music, literature, theatre, plastic arts, painting and sculpture. Particularly in developing countries, emphasis should be placed on traditional and contemporary art forms, such as puppetry, recitation and story-telling.
- 2. States should promote the accessibility to and availability of places for cultural performances and services, such as theatres, museums, cinemas and libraries, to persons with disabilities.
- States should initiate the development and use of special technical arrangements to make literature, films and theatre accessible to persons with disabilities.

Rule 11. Recreation and sports

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.

- 1. States should initiate measures to make places for recreation and sports, hotels, beaches, sports arenas, gym halls, etc., accessible to persons with disabilities. Such measures should encompass support for staff in recreation and sports programmes, including projects to develop methods of accessibility, and participation, information and training programmes.
- 2. Tourist authorities, travel agencies, hotels, voluntary organizations and others involved in organizing recreational activities or travel opportunities should offer their services to all, taking into account the special needs of persons with disabilities. Suitable training should be provided to assist that process.
- 3. Sports organizations should be encouraged to develop opportunities for participation by persons with disabilities in sports activities. In some cases, accessibility measures could be enough to open up opportunities for participation. In other cases, special arrangements or special games would be needed. States should support the participation of persons with disabilities in national and international events.
- 4. Persons with disabilities participating in sports activities should have access to instruction and training of the same quality as other participants.

5. Organizers of sports and recreation should consult with organizations of persons with disabilities when developing their services for persons with disabilities.

Rule 12. Religion

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

- 1. States should encourage, in consultation with religious authorities, measures to eliminate discrimination and make religious activities accessible to persons with disabilities.
- 2. States should encourage the distribution of information on disability matters to religious institutions and organizations. States should also encourage religious authorities to include information on disability policies in the training for religious professions, as well as in religious education programmes.
- 3. They should also encourage the accessibility of religious literature to persons with sensory impairments.
- 4. States and/or religious organizations should consult with organizations of persons with disabilities when developing measures for equal participation in religious activities.

III. IMPLEMENTATION MEASURES

Rule 13. Information and research

States assume the ultimate responsibility for the collection and dissemination of information on the living conditions of persons with disabilities and promote comprehensive research on all aspects, including obstacles that affect the lives of persons with disabilities.

- 1. States should, at regular intervals, collect gender-specific statistics and other information concerning the living conditions of persons with disabilities. Such data collection could be conducted in conjunction with national censuses and household surveys and could be undertaken in close collaboration, *inter alia*, with universities, research institutes and organizations of persons with disabilities. The data collection should include questions on programmes and services and their use.
- 2. States should consider establishing a data bank on disability, which would include statistics on available services and programmes as well as on the different groups of persons with disabilities. They should bear in mind the need to protect individual privacy and personal integrity.
- 3. States should initiate and support programmes of research on social, economic and participation issues that affect the lives of persons with disabilities and their families. Such research should include studies on the causes, types and frequencies of disabilities, the availability and efficacy of existing programmes and the need for development and evaluation of services and support measures.
- 4. States should develop and adopt terminology and criteria for the conduct of national surveys, in cooperation with organizations of persons with disabilities.
- 5. States should facilitate the participation of persons with disabilities in data collection and research. To undertake such research States should particularly encourage the recruitment of qualified persons with disabilities.
- States should support the exchange of research findings and experiences.

7. States should take measures to disseminate information and knowledge on disability to all political and administration levels within national, regional and local spheres.

Rule 14. Policy-making and planning

States will ensure that disability aspects are included in all relevant policy-making and national planning.

- 1. States should initiate and plan adequate policies for persons with disabilities at the national level, and stimulate and support action at regional and local levels.
- 2. States should involve organizations of persons with disabilities in all decision-making relating to plans and programmes concerning persons with disabilities or affecting their economic and social status.
- 3. The needs and concerns of persons with disabilities should be incorporated into general development plans and not be treated separately.
- 4. The ultimate responsibility of States for the situation of persons with disabilities does not relieve others of their responsibility. Anyone in charge of services, activities or the provision of information in society should be encouraged to accept responsibility for making such programmes available to persons with disabilities.
- 5. States should facilitate the development by local communities of programmes and measures for persons with disabilities. One way of doing this could be to develop manuals or check-lists and provide training programmes for local staff.

Rule 15. Legislation

States have a responsibility to create the legal bases for measures to achieve the objectives of full participation and equality for persons with disabilities.

- 1. National legislation, embodying the rights and obligations of citizens, should include the rights and obligations of persons with disabilities. States are under an obligation to enable persons with disabilities to exercise their rights, including their human, civil and political rights, on an equal basis with other citizens. States must ensure that organizations of persons with disabilities are involved in the development of national legislation concerning the rights of persons with disabilities, as well as in the ongoing evaluation of that legislation.
- 2. Legislative action may be needed to remove conditions that may adversely affect the lives of persons with disabilities, including harassment and victimization. Any discriminatory provisions against persons with disabilities must be eliminated. National legislation should provide for appropriate sanctions in case of violations of the principles of non-discrimination.
- 3. National legislation concerning persons with disabilities may appear in two different forms. The rights and obligations may be incorporated in general legislation or contained in special legislation. Special legislation for persons with disabilities may be established in several ways:
- (a) By enacting separate legislation, dealing exclusively with disability matters;
- (b) By including disability matters within legislation on particular topics;
- (c) By mentioning persons with disabilities specifically in the texts that serve to interpret existing legislation.

A combination of those different approaches might be desirable. Affirmative action provisions may also be considered.

 States may consider establishing formal statutory complaints mechanisms in order to protect the interests of persons with disabilities.

Rule 16. Economic policies

States have the financial responsibility for national programmes and measures to create equal opportunities for persons with disabilities.

- 1. States should include disability matters in the regular budgets of all national, regional and local government bodies.
- 2. States, non-governmental organizations and other interested bodies should interact to determine the most effective ways of supporting projects and measures relevant to persons with disabilities.
- 3. States should consider the use of economic measures (loans, tax exemptions, earmarked grants, special funds, and so on) to stimulate and support equal participation by persons with disabilities in society.
- 4. In many States it may be advisable to establish a disability development fund, which could support various pilot projects and self-help programmes at the grass-roots level.

Rule 17. Coordination of work

States are responsible for the establishment and strengthening of national coordinating committees, or similar bodies, to serve as a national focal point on disability matters.

- 1. The national coordinating committee or similar bodies should be permanent and based on legal as well as appropriate administrative regulation.
- 2. A combination of representatives of private and public organizations is most likely to achieve an intersectoral and multidisciplinary composition. Representatives could be drawn from concerned government ministries, organizations of persons with disabilities and non-governmental organizations.
- 3. Organizations of persons with disabilities should have considerable influence in the national coordinating committee in order to ensure proper feedback of their concerns.
- 4. The national coordinating committee should be provided with sufficient autonomy and resources to fulfil its responsibilities in relation to its decision-making capacities. It should report to the highest governmental level.

Rule 18. Organizations of persons with disabilities

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels.

States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters.

- 1. States should encourage and support economically and in other ways the formation and strengthening of organizations of persons with disabilities, family members and/or advocates. States should recognize that those organizations have a role to play in the development of disability policy.
- 2. States should establish ongoing communication with organizations of persons with disabilities and ensure their participation in the development of government policies.

- 3. The role of organizations of persons with disabilities could be to identify needs and priorities, to participate in the planning, implementation and evaluation of services and measures concerning the lives of persons with disabilities, and to contribute to public awareness and to advocate change.
- 4. As instruments of self-help, organizations of persons with disabilities provide and promote opportunities for the development of skills in various fields, mutual support among members and information sharing.
- 5. Organizations of persons with disabilities could perform their advisory role in many different ways such as having permanent representation on boards of government-funded agencies, serving on public commissions and providing expert knowledge on different projects.
- 6. The advisory role of organizations of persons with disabilities should be ongoing in order to develop and deepen the exchange of views and information between the State and the organizations.
- 7. Organizations should be permanently represented on the national coordinating committee or similar bodies.
- 8. The role of local organizations of persons with disabilities should be developed and strengthened to ensure that they influence matters at the community level.

Rule 19. Personnel training

States are responsible for ensuring the adequate training of personnel, at all levels, involved in the planning and provision of programmes and services concerning persons with disabilities.

- 1. States should ensure that all authorities providing services in the disability field give adequate training to their personnel.
- 2. In the training of professionals in the disability field, as well as in the provision of information on disability in general training programmes, the principle of full participation and equality should be appropriately reflected.
- 3. States should develop training programmes in consultation with organizations of persons with disabilities, and persons with disabilities should be involved as teachers, instructors or advisers in staff training programmes.
- 4. The training of community workers is of great strategic importance, particularly in developing countries. It should involve persons with disabilities and include the development of appropriate values, competence and technologies as well as skills which can be practised by persons with disabilities, their parents, families and members of the community.

Rule 20. National monitoring and evaluation of disability programmes in the implementation of the Rules

States are responsible for the continuous monitoring and evaluation of the implementation of national programmes and services concerning the equalization of opportunities for persons with disabilities.

- 1. States should periodically and systematically evaluate national disability programmes and disseminate both the bases and the results of the evaluations.
- States should develop and adopt terminology and criteria for the evaluation of disability-related programmes and services.

- 3. Such criteria and terminology should be developed in close cooperation with organizations of persons with disabilities from the earliest conceptual and planning stages.
- 4. States should participate in international cooperation in order to develop common standards for national evaluation in the disability field. States should encourage national coordinating committees to participate also.
- 5. The evaluation of various programmes in the disability field should be built in at the planning stage, so that the overall efficacy in fulfilling their policy objectives can be evaluated.

Rule 21. Technical and economic cooperation

States, both industrialized and developing, have the responsibility to cooperate in and take measures for the improvement of the living conditions of persons with disabilities in developing countries.

- 1. Measures to achieve the equalization of opportunities of persons with disabilities, including refugees with disabilities, should be integrated into general development programmes.
- 2. Such measures must be integrated into all forms of technical and economic cooperation, bilateral and multilateral, governmental and non-governmental. States should bring up disability issues in discussions on such cooperation with their counterparts.
- 3. When planning and reviewing programmes of technical and economic cooperation, special attention should be given to the effects of such programmes on the situation of persons with disabilities. It is of the utmost importance that persons with disabilities and their organizations are consulted on any development projects designed for persons with disabilities. They should be directly involved in the development, implementation and evaluation of such projects.
- 4. Priority areas for technical and economic cooperation should include:
- (a) The development of human resources through the development of skills, abilities and potentials of persons with disabilities and the initiation of employment-generating activities for and of persons with disabilities;
- (b) The development and dissemination of appropriate disability-related technologies and know-how.
- 5. States are also encouraged to support the formation and strengthening of organizations of persons with disabilities.
- 6. States should take measures to improve the knowledge of disability issues among staff involved at all levels in the administration of technical and economic cooperation programmes.

Rule 22. International cooperation

States will participate actively in international cooperation concerning policies for the equalization of opportunities for persons with disabilities.

- 1. Within the United Nations, the specialized agencies and other concerned intergovernmental organizations, States should participate in the development of disability policy.
- 2. Whenever appropriate, States should introduce disability aspects in general negotiations concerning standards, information exchange, development programmes, etc.
- 3. States should encourage and support the exchange of knowledge and experience among:

- (a) Non-governmental organizations concerned with disability issues;
- (b Research institutions and individual researchers involved in disability issues;
- (c) Representatives of field programmes and of professional groups in the disability field;
 - (d) Organizations of persons with disabilities;
 - (e) National coordinating committees.

States should ensure that the United Nations and the specialized agencies, as well as all intergovernmental and interparliamentary bodies, at global and regional levels, include in their work the global and regional organizations of persons with disabilities.

IV. MONITORING MECHANISM

- 1. The purpose of a monitoring mechanism is to further the effective implementation of the Rules. It will assist each State in assessing its level of implementation of the Rules and in measuring its progress. The monitoring should identify obstacles and suggest suitable measures that would contribute to the successful implementation of the Rules. The monitoring mechanism will recognize the economic, social and cultural features existing in individual States. An important element should also be the provision of advisory services and the exchange of experience and information between States.
- 2. The Rules shall be monitored within the framework of the sessions of the Commission for Social Development. A Special Rapporteur with relevant and extensive experience in disability issues and international organizations shall be appointed, if necessary, funded by extrabudgetary resources, for three years to monitor the implementation of the Rules.
- 3. International organizations of persons with disabilities having consultative status with the Economic and Social Council and organizations representing persons with disabilities who have not yet formed their own organizations should be invited to create among themselves a panel of experts, on which organizations of persons with disabilities shall have a majority, taking into account the different kinds of disabilities and necessary equitable geographical distribution, to be consulted by the Special Rapporteur and, when appropriate, by the Secretariat.
- 4. The panel of experts will be encouraged by the Special Rapporteur to review, advise and provide feedback and suggestions on the promotion, implementation and monitoring of the Rules.
- 5. The Special Rapporteur shall send a set of questions to States, entities within the United Nations system, and intergovernmental and non-governmental organizations, including organizations of persons with disabilities. The set of questions should address implementation plans for the Rules in States. The questions should be selective in nature and cover a number of specific rules for in-depth evaluation. In preparing the questions the Special Rapporteur should consult with the panel of experts and the Secretariat.
- 6. The Special Rapporteur shall seek to establish a direct dialogue not only with States but also with local non-governmental organizations, seeking their views and comments on any information intended to be included in the reports. The Special Rapporteur shall provide advisory services on the implementa-

tion and monitoring of the Rules and assistance in the preparation of replies to the sets of questions.

- 7. The Department for Policy Coordination and Sustainable Development of the Secretariat, as the United Nations focal point on disability issues, the United Nations Development Programme and other entities and mechanisms within the United Nations system, such as the regional commissions and specialized agencies and inter-agency meetings, shall cooperate with the Special Rapporteur in the implementation and monitoring of the Rules at the national level.
- 8. The Special Rapporteur, assisted by the Secretariat, shall prepare reports for submission to the Commission for Social Development at its thirty-fourth and thirty-fifth sessions. In preparing such reports, the Rapporteur should consult with the panel of experts.
- 9. States should encourage national coordinating committees or similar bodies to participate in implementation and monitoring. As the focal points on disability matters at the national level, they should be encouraged to establish procedures to coordinate the monitoring of the Rules. Organizations of persons with disabilities should be encouraged to be actively involved in the monitoring of the process at all levels.
- 10. Should extrabudgetary resources be identified, one or more positions of interregional adviser on the Rules should be created to provide direct services to States, including:

- (a) The organization of national and regional training seminars on the content of the Rules;
- (b) The development of guidelines to assist in strategies for implementation of the Rules;
- (c) Dissemination of information about best practices concerning implementation of the Rules.
- 11. At its thirty-fourth session, the Commission for Social Development should establish an open-ended working group to examine the Special Rapporteur's report and make recommendations on how to improve the application of the Rules. In examining the Special Rapporteur's report, the Commission, through its open-ended working group, shall consult international organizations of persons with disabilities and specialized agencies, in accordance with rules 71 and 76 of the rules of procedure of the functional commissions of the Economic and Social Council.
- 12. At its session following the end of the Special Rapporteur's mandate, the Commission should examine the possibility of either renewing that mandate, appointing a new Special Rapporteur or considering another monitoring mechanism, and should make appropriate recommendations to the Economic and Social Council.
- 13. States should be encouraged to contribute to the United Nations Voluntary Fund on Disability in order to further the implementation of the Rules.

Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment

18 December 1982

Principle I

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

- (a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments:
- (b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

Declaration on the Occasion of the Fiftieth Anniversary of the United Nations

24 October 1995

Fifty years ago the United Nations was born out of the sufferings caused by the Second World War. The determination, enshrined in the Charter of the United Nations, "to save succeeding generations from the scourge of war" is as vital today as it was fifty years ago. In this, as in other respects, the Charter gives expression to the common values and aspirations of humankind.

The United Nations has been tested by conflict, humanitarian crisis and turbulent change, yet it has survived and played an important role in preventing another global conflict and has achieved much for people all over the world. The United Nations has helped to shape the very structure of relations between nations in the modern age. Through the process of decolonization and the elimination of apartheid, hundreds of millions of human beings have been and are assured the exercise of the fundamental right of self-determination.

At this time, following the end of the cold war, and as the end of the century approaches, we must create new opportunities for peace, development, democracy and cooperation. The speed and extent of change in today's world point to a future of great complexity and challenge and to a sharp increase in the level of expectations of the United Nations.

Our resolve on this historic occasion is clear. The commemoration of the fiftieth anniversary of the United Nations must be seized as an opportunity to redirect it to greater service to humankind, especially to those who are suffering and are deeply deprived. This is the practical and moral challenge of our time. Our obligation to this end is found in the Charter. The need for it is manifest in the condition of humankind.

On the occasion of the fiftieth anniversary of the United Nations, we, the Member States and observers of the United Nations, representing the peoples of the world:

- —Solemnly reaffirm the Purposes and Principles of the Charter of the United Nations and our commitments to them;
- ---Express our gratitude to all men and women who have made the United Nations possible, done its work and served its ideals, particularly those who have given their lives during service to the United Nations:
- —Are determined that the United Nations of the future will work with renewed vigour and effectiveness in promoting peace, development, equality and justice and understanding among the peoples of the world;
- —Will give to the twenty-first century a United Nations equipped, financed and structured to serve effectively the peoples in whose name it was established.

In fulfilment of these commitments we will be guided in our future cooperation by the following, with respect to peace, development, equality, justice and the United Nations Organization:

PEACE

1. To meet these challenges, and while recognizing that action to secure global peace, security and stability will be futile

unless the economic and social needs of people are addressed, we will:

- —Promote methods and means for the peaceful settlement of disputes in accordance with the Charter of the United Nations and enhance the capabilities of the United Nations in conflict prevention, preventive diplomacy, peacekeeping and peace-building;
- —Strongly support United Nations, regional and national efforts on arms control, limitation and disarmament and the non-proliferation of nuclear weapons, in all aspects, and other weapons of mass destruction, including biological and chemical weapons and other forms of particularly excessively injurious or indiscriminate weapons, in pursuit of our common commitment to a world free of all these weapons;
- —Continue to reaffirm the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognize the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind;
- —Act together to defeat the threats to States and people posed by terrorism, in all its forms and manifestations, and transnational organized crime and the illicit trade in arms and the production and consumption of and trafficking in illicit drugs;
- —Strengthen consultation and cooperation between regional arrangements or agencies and the United Nations in the maintenance of international peace and security.

DEVELOPMENT

- 2. A dynamic, vigorous, free and equitable international economic environment is essential to the well-being of human-kind and to international peace, security and stability. This objective must be addressed, in greater measure and more effectively, by the United Nations system.
- 3. The United Nations has played an important role in the promotion of economic and social development and has, over the years, provided life-saving assistance to women, children and men around the world. But the pledge recorded in the Charter that all Members of the United Nations shall take joint and separate action in cooperation with the Organization for the achievement of higher standards of living, full employment and conditions of economic and social progress and development has not been adequately implemented.

- 4. It must be recognized that notwithstanding past efforts, the gap between the developed and developing countries remains unacceptably wide. The specific problems of countries with economies in transition with respect to their twofold transition to democracy and a market economy should also be recognized. In addition, accelerating globalization and interdependence in the world economy call for policy measures designed to ensure the maximization of the benefits from and the minimization of the negative effects of these trends for all countries.
- 5. Of greatest concern is that one fifth of the world's 5.7 billion people live in extreme poverty. Extraordinary measures by all countries, including strengthened international cooperation, are needed to address this and related problems.
- 6. In response to these facts and circumstances, the United Nations has convened a number of specifically focused global conferences in the last five years. From these conferences, a consensus has emerged, *inter alia*, that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework of our efforts to achieve a higher quality of life for all people. At the core of this consensus is the recognition that the human person is the central subject of development and that people must be at the centre of our actions towards and concerns for sustainable development.
- 7. In this context, we reaffirm that democracy, development and respect for human rights and fundamental freedoms, including the right to development, are interdependent and mutually reinforcing.
- 8. In order to foster sustained economic growth, social development, environmental protection and social justice in fulfilment of the commitments we have made on international cooperation for development, we will:
 - —Promote an open and equitable, rule-based, predictable and non-discriminatory multilateral trading system and a framework for investment, transfers of technology and knowledge, as well as enhanced cooperation in the areas of development, finance and debt as critical conditions for development;
 - —Give particular attention to national and international action to enhance the benefits of the process of globalization for all countries and to avoid the marginalization from and promote the integration of the least developed countries and countries in Africa into the world economy;
 - —Improve the effectiveness and efficiency of the United Nations system for development and strengthen its role in all relevant fields of international economic cooperation;
 - —Invigorate the dialogue and partnership between all countries in order to secure the existence of a favourable political and economic environment for the promotion of international cooperation for development based on the imperatives of mutual benefit and interest and genuine interdependence, while recognizing that each country is ultimately responsible for its own development but reaffirming that the international community must create a supportive international environment for such development;
 - Promote social development through decisive national and international action aimed at the eradication of poverty as

- an ethical, social, political and economic imperative of humankind and the promotion of full employment and social integration;
- Recognize that the empowerment and the full and equal participation of women is central to all efforts to achieve development;
- —Reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies in order to meet the needs of current generations without compromising the ability of future generations to meet their own needs, recognizing that environmental sustainability constitutes an integral part of the development process;
- —Intensify cooperation on natural disaster reduction and major technological and man-made disasters, disaster relief, post-disaster rehabilitation and humanitarian assistance in order to enhance the capabilities of affected countries to cope with such situations.

EQUALITY

- 9. We reiterate the affirmation by the Charter of the dignity and worth of the human person and the equal rights of men and women and reaffirm that all human rights are universal, indivisible, interdependent and interrelated.
- 10. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms, the universal nature of which is beyond question. It is also important for all States to ensure the universality, objectivity and non-selectivity of the consideration of human rights issues.
 - 11. We will therefore:
 - -Promote and protect all human rights and fundamental freedoms, which are inherent to all human beings;
- —Strengthen laws, policies and programmes that would ensure the full and equal participation of women in all spheres of political, civil, economic, social and cultural life as equal partners and the full realization of all human rights and fundamental freedoms for all women;
- -Promote and protect the rights of the child;
- —Ensure that the rights of persons who can be particularly vulnerable to abuse or neglect, including youth, persons with disabilities, the elderly and migrant workers, are protected;
- -Promote and protect the rights of indigenous people;
- Ensure the protection of the rights of refugees and of displaced persons;
- —Ensure that the rights of persons belonging to national, ethnic and other minorities are protected, and that such persons are able to pursue economic and social development and live in circumstances of full respect for their identity, traditions, forms of social organization and cultural and religious values.

JUSTICE

12. The Charter of the United Nations has provided a durable framework for the promotion and development of international law. The continued promotion and development

of international law must be pursued with a view to ensuring that relations between States are based on the principles of justice, sovereign equality, universally recognized principles of international law and respect for the rule of law. Such action should take account of developments under way in such areas as technology, transport, information and resource-related fields and international financial markets, as well as the growing complexity of the work of the United Nations in the humanitarian and refugee assistance fields.

- 13. We are determined to:
- Build and maintain justice among all States in accordance with the principles of the sovereign equality and territorial integrity of States;
- --Promote full respect for and implementation of international law:
- —Settle international disputes by peaceful means;
- Encourage the widest possible ratification of international treaties and ensure compliance with the obligations arising from them;
- —Promote respect for and the implementation of international humanitarian law;
- —Promote the progressive development of international law in the field of development, including that which would foster economic and social progress;
- —Promote respect for and implementation of international law in the field of human rights and fundamental freedoms and encourage ratification of or accession to international human rights instruments;
- —Promote the further codification and progressive development of international law.

UNITED NATIONS ORGANIZATION

14. In order to be able to respond effectively to the challenges of the future and the expectations of the United

Nations held by peoples around the world, it is essential that the United Nations itself be reformed and modernized. The work of the General Assembly, the universal organ of the States Members of the United Nations, should be revitalized. The Security Council should, inter alia, be expanded and its working methods continue to be reviewed in a way that will further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency; as important differences on key issues continue to exist, further in-depth consideration of these issues is required. The role of the Economic and Social Council should be strengthened to enable it to carry out effectively, in the modern age, the tasks it has been assigned with respect to the well-being and standards of life of all people. These and other changes, within the United Nations system, should be made if we are to ensure that the United Nations of the future serves well the peoples in whose name it was established.

- 15. In order to carry out its work effectively, the United Nations must have adequate resources. Member States must meet, in full and on time, their obligation to bear the expenses of the Organization, as apportioned by the General Assembly. That apportionment should be established on the basis of criteria agreed to and considered to be fair by Member States.
- 16. The secretariats of the United Nations system must improve significantly their efficiency and effectiveness in administering and managing the resources allocated to them. For their part, Member States will pursue and take responsibility for reforming that system.
- 17. We recognize that our common work will be the more successful if it is supported by all concerned actors of the international community, including non-governmental organizations, multilateral financial institutions, regional organizations and all actors of civil society. We will welcome and facilitate such support, as appropriate.

World Programme of Action for Youth to the Year 2000 and Beyond

14 December 1995

PREAMBLE

- 1. The decade since the observance of International Youth Year: Participation, Development, Peace has been a period during which the world experienced fundamental political, economic and socio-cultural changes. These changes will inevitably affect at least the first decade of the twenty-first century as well.
- 2. Young people represent agents, beneficiaries and victims of major societal changes and are generally confronted by a paradox: to seek to be integrated into an existing order or to serve as a force to transform that order. Young people in all parts of the world, living in countries at different stages of development and in different socio-economic settings, aspire to full participation in the life of society.

STATEMENT OF PURPOSE

- 3. The World Programme of Action for Youth provides a policy framework and practical guidelines for national action and international support to improve the situation of young people. It contains proposals for action to the year 2000 and beyond, aiming at achieving the objectives of the International Youth Year and at fostering conditions and mechanisms to promote improved well-being and livelihood among young people.
- 4. The Programme of Action focuses in particular on measures to strengthen national capacities in the field of youth and to increase the quality and quantity of opportunities available to young people for full, effective and constructive participation in society.

I. United Nationsdeclaration of intenton youth: PROBLEMS AND POTENTIALS

- 5. The States Members of the United Nations have agreed to work towards achievement of the purposes and principles of the Charter of the United Nations, *inter alia*, the promotion of higher standards of living, full employment and conditions of economic and social progress and development. Young people in all parts of the world, living in countries at different stages of development and in different socio-economic situations, aspire to full participation in the life of society, as provided in the Charter, including:
- (a) Attainment of an educational level commensurate with their aspirations;
- (b) Access to employment opportunities equal to their abilities;
- (c) Food and nutrition adequate for full participation in the life of society;
- (d) A physical and social environment that promotes good health, offers protection from disease and addiction and is free from all types of violence;
- (e) Human rights and fundamental freedoms without distinction as to race, sex, language, religion or any other forms of discrimination;
 - (f) Participation in decision-making processes;

- (g) Places and facilities for cultural, recreational and sports activities to improve the living standards of young people in both rural and urban areas.
- 6. While the peoples of the United Nations, through their Governments, international organizations and voluntary associations, have done much to ensure that these aspirations may be achieved, including efforts to implement the guidelines for further planning and suitable follow-up in the field of youth endorsed by the General Assembly in 1985, it is apparent that the changing world social, economic and political situation has created the following conditions that have made this goal more difficult to achieve in many countries:
- (a) Claims on the physical and financial resources of States, which have reduced the resources available for youth programmes and activities, particularly in heavily indebted countries:
- (b) Inequities in social, economic and political conditions, including racism and xenophobia, which lead to increasing hunger, deterioration in living conditions and poverty among youth and to their marginalization as refugees, displaced persons and migrants;
- (c) Increasing difficulty for young people returning from armed conflict and confrontation in integrating into the community and gaining access to education and employment;
- (d) Continuing discrimination against young women and insufficient access for young women to equal opportunities in employment and education;
- (e) High levels of youth unemployment, including long-term unemployment;
- (f) Continuing deterioration of the global environment resulting from unsustainable patterns of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances;
- (g) Increasing incidence of diseases, such as malaria, the human immunodeficiency virus and the acquired immunodeficiency syndrome (HIV/AIDS), and other threats to health, such as substance abuse and psychotropic substance addiction, smoking and alcoholism;
- (h) Inadequate opportunities for vocational education and training, especially for persons with disabilities;
- (i) Changes in the role of the family as a vehicle for shared responsibility and socialization of youth;
- (j) Lack of opportunity for young people to participate in the life of society and contribute to its development and wellbeing;
- (k) Prevalence of debilitating disease, hunger and malnutrition that engulfs the life of many young people;
- (I) Increasing difficulty for young people to receive family life education as a basis for forming healthy families that foster sharing of responsibilities.
- 7. These phenomena, among others, contribute to the increased marginalization of young people from the larger society, which is dependent on youth for its continual renewal.

- 8. We, the peoples of the United Nations, believe that the following principles, aimed at ensuring the well-being of young women and men and their full and active participation in the society in which they live, are fundamental to the implementation of the World Programme of Action for Youth to the Year 2000 and Beyond:
- (a) Every State should provide its young people with opportunities for obtaining education, for acquiring skills and for participating fully in all aspects of society, with a view to, inter alia, acquiring productive employment and leading self-sufficient lives:
- (b) Every State should guarantee to all young people the full enjoyment of human rights and fundamental freedoms in accordance with the Charter of the United Nations and other international instruments related to human rights;
- (c) Every State should take all necessary measures to eliminate all forms of discrimination against young women and girls and remove all obstacles to gender equality and the advancement and empowerment of women and should ensure full and equal access to education and employment for girls and young women;
- (d) Every State should foster mutual respect, tolerance and understanding among young people with different racial, cultural and religious backgrounds;
- (e) Every State should endeavour to ensure that its policies relating to young people are informed by accurate data on their situation and needs, and that the public has access to such data to enable it to participate in a meaningful fashion in the decision-making process;
- (f) Every State is encouraged to promote education and action aimed at fostering among youth a spirit of peace, cooperation and mutual respect and understanding between nations;
- (g) Every State should meet the special needs of young people in the areas of responsible family-planning practice, family life, sexual and reproductive health, sexually transmitted diseases, HIV infection and AIDS prevention, consistent with the Programme of Action adopted by the International Conference on Population and Development in September 1994, the Copenhagen Declaration on Social Development and the Programme of Action adopted by the World Summit for Social Development in March 1995, and the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women in September 1995;
- (h) Environmental protection, promotion and enhancement are among the issues considered by young people to be of prime importance to the future welfare of society. States should therefore actively encourage young people and youth organizations to participate actively in programmes, including educational programmes, and actions designed to protect, promote and enhance the environment;
- (i) Every State should take measures to develop the possibilities of education and employment of young people with disabilities;
- (j) Every State should take measures to improve the situation of young people living in particularly difficult conditions, including by protecting their rights;
- (k) Every State should promote the goal of full employment as a basic priority of its economic and social policies, giving

- special attention to youth employment. They should also take measures to eliminate the economic exploitation of children:
- (l) Every State should provide young people with the health services necessary to ensure their physical and mental well-being, including measures to combat diseases such as malaria and HIV/AIDS, and to protect them from harmful drugs and the effects of addiction to drugs, tobacco and alcohol:
- (m) Every State should place people at the centre of development and should direct their economies to meet human needs more effectively and to ensure that young people are active participants and beneficiaries in the process of development.

II. DEVELOPMENT SETTING

- 9. In 1995, the world youth population—defined by the United Nations as the age cohort 15-24—is estimated to be 1.03 billion, or 18 per cent of the total world population. The majority of the world youth population (84 per cent in 1995) lives in developing countries. This figure is projected to increase to 89 per cent by 2025. The difficult circumstances that people experience in many developing countries are often even more difficult for young people because of limited opportunities for education and training, viable employment and health and social services, and because of a growing incidence of substance abuse and juvenile delinquency. Many developing countries are also experiencing unprecedented rates of rural-urban migration by young people.
- 10. Apart from the statistical definition of the term "youth" mentioned above, the meaning of the term "youth" varies in different societies around the world. Definitions of youth have changed continuously in response to fluctuating political, economic and socio-cultural circumstances.
- 11. Young people in industrialized countries comprise a relatively smaller proportion of the total population because of generally lower birth rates and longer life expectancy. They comprise a social group that faces particular problems and uncertainties regarding its future, problems that relate in part to limited opportunities for appropriate employment.
- 12. Young people in all countries are both a major human resource for development and key agents for social change, economic development and technological innovation. Their imagination, ideals, considerable energies and vision are essential for the continuing development of the societies in which they live. Thus, there is special need for new impetus to be given to the design and implementation of youth policies and programmes at all levels. The ways in which the challenges and potentials of young people are addressed by policy will influence current social and economic conditions and the well-being and livelihood of future generations.

III. STRATEGIES AND POLICY SPECIFICS

13. In 1965, in resolution 2037 (XX), the General Assembly endorsed the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. From 1965 to 1975, both the General Assembly and the Economic and Social Council emphasized three basic themes in the field of youth: participation, development and peace. The need for an international policy on youth was emphasized as well. In 1979, the General Assembly, by resolution 34/151, designated 1985 as International Youth Year: Participation, Development, Peace. In 1985, by resolution

- 40/14, the Assembly endorsed the guidelines for further planning and suitable follow-up in the field of youth. The guidelines are significant for their focus on young people as a broad category comprising various subgroups, rather than a single demographic entity. They provide proposals for specific measures to address the needs of subgroups such as young people with disabilities, rural and urban youth and young women.
- 14. The themes identified by the General Assembly for International Youth Year: Participation, Development, Peace—reflect a predominant concern of the international community with distributive justice, popular participation and quality of life. These were reflected in the guidelines, and they represent overall themes of the World Programme of Action for Youth to the Year 2000 and Beyond as well.
- 15. The Programme of Action also builds upon other, recent international instruments, including the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the Programme of Action of the International Conference on Population and Development, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, and the Platform for Action adopted by the Fourth World Conference on Women.
- 16. The Programme of Action is drawn from these international instruments generally and specifically related to youth policies and programmes. The Programme of Action is significant because it provides a cross-sectoral standard relating to both policy-making and programme design and delivery. It will serve as a model for integrated actions, at all levels, to address more effectively problems experienced by young people in various conditions and to enhance their participation in society.
- 17. The Programme of Action is divided into three phases: the first phase focused on analysis and on drafting the Programme of Action and on its adoption by the General Assembly at its fiftieth session, in 1995; the second phase is concerned with world-wide implementation of the Programme of Action to the year 2000; the third phase, covering the period 2001 to 2010, will focus on further implementation and evaluation of progress made and obstacles encountered; it will suggest appropriate adjustments to long-term objectives and specific measures to improve the situation of young people in the societies in which they live.

IV. PRIORITY AREAS

- 18. Each of the ten priority areas identified by the international community is presented in terms of principal issues, specific objectives and the actions proposed to be taken by various actors to achieve those objectives. Objectives and actions reflect the three themes of International Youth Year: Participation, Development, Peace; they are interlinked and mutually reinforcing.
- 19. The ten fields of action identified by the international community are education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women and the full and effective participation of youth in the life of society and in decision-making. The Programme of Action does not exclude the possibility of new priorities which may be identified in the future.

20. Implementation of the Programme of Action requires the full enjoyment by young people of all human rights and fundamental freedoms, and also requires that Governments take effective action against violations of these rights and freedoms and promote non-discrimination, tolerance, respect for diversity, with full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of their young people, equality of opportunity, solidarity, security and participation of all young women and men.

A. Education

- 21. Although progress towards universal basic education, beginning with literacy, has been impressive in recent times, the number of illiterate people will continue to grow and many developing countries are likely to fall short of universal primary education by the year 2000. Three main concerns regarding current systems of education may be expressed. The first is the inability of many parents in developing countries to send their children to schools because of local economic and social conditions. The second concerns the paucity of educational opportunities for girls and young women, migrants, refugees, displaced persons, street children, indigenous youth minorities, young people in rural areas and young people with disabilities. The third concerns the quality of education, its relevance to employment and its usefulness in assisting young people in the transition to full adulthood, active citizenship and productive and gainful employment.
- 22. To encourage the development of educational and training systems more in line with the current and future needs of young people and their societies, it would be helpful to share experience and to investigate alternative arrangements, such as informal arrangements for the provision of basic literacy, job skills training and lifelong education.
- 23. Opportunities for young people to pursue advanced or university education, engage in research or be trained for self-employment should be expanded in developing countries. Given the economic problems faced by such countries and the inadequacy of international assistance in this area, it is difficult to provide appropriate training for all young people, even though they are a country's chief economic asset.
- 24. Governments, intergovernmental and non-governmental organizations are called upon to assist young people from developing countries to obtain education and training at all levels in developed as well as in developing countries, as well as to participate in mutual academic exchanges among developing countries.

Proposals for action

- 1. Improving the level of basic education, skill training and literacy among youth
- 25. Priority should be given to achieving the goal of ensuring basic education for all (beginning with literacy), mobilizing for that purpose all channels, agents and forms of education and training, in line with the concept of lifelong education. Special emphasis should also be given to the reform of education content and curricula, especially curricula that reinforce traditional female roles which deny women opportunities for full and equal partnership in society, at all levels, focusing on scientific literacy, moral values and learning of skills, adapted to the

changing environment and to life in multi-ethnic and multi-cultural societies. The importance of the development of information skills, that is skills for researching, accessing and using information, and informatics should be emphasized along with the importance of distance education. Non-governmental youth organizations and educational organizations should develop youth-to-youth programmes for basic education, skills training and literacy. Consideration should be given to developing programmes enabling retired and elderly people to teach literacy to young people. Particular attention should be given to specific groups of youth in distressed circumstances, including indigenous, migrant and refugee youth, displaced persons, street children and poor youth in urban and rural areas, as well as to special problems, including literacy problems, for blind youth and youth with other disabilities.

2. Cultural heritage and contemporary patterns of society

26. Governments should establish or strengthen programmes to educate young people in the cultural heritage of their own and other societies and the world. Governments should institute, in cooperation with non-governmental youth organizations, travel and exchange programmes and youth camps to help youth understand cultural diversity at both the national and international levels, develop intercultural learning skills and participate in the preservation of the cultural heritage of their own and other societies and the world around them. The United Nations Educational, Scientific and Cultural Organization, in cooperation with interested Governments and non-governmental organizations, is requested to expand international programmes, such as youth camps, by which young people, particularly those from developing countries, with different cultures, may help restore major international cultural sites and engage in other cultural activities.

Promoting mutual respect and understanding and the ideals of peace, solidarity and tolerance among youth

27. Programmes aimed at learning peacemaking and conflict resolution should be encouraged and designed by Governments and educational institutions for introduction to schools at all levels. Children and youth should be informed of cultural differences in their own societies and given opportunities to learn about different cultures as well as tolerance and mutual respect for cultural and religious diversity. Governments and educational institutions should formulate and implement educational programmes which promote and strengthen respect for all human rights and fundamental freedoms and enhance the values of peace, solidarity, tolerance, responsibility and respect for the diversity and rights of others.

4. Vocational and professional training

28. Governments and educational institutions, in cooperation with regional and international organizations, could establish or enhance vocational and technical training relevant to current and prospective employment conditions. Youth must be given the opportunity to access vocational and professional training and apprenticeship programmes that help them acquire entry-level jobs with growth opportunities and the ability to adjust to changes in labour demand.

5. Promoting human rights education

29. Governments should ensure that the United Nations Decade for Human Rights Education, which began in 1995, is adequately observed in schools and educational institutions. In order to make youth aware of their civil, cultural, economic, political and social rights, as well their societal responsibilities, and in order to develop harmonious inter-community relations, mutual tolerance and respect, equality between women and men, and tolerance for diversity, Governments should develop human rights education strategies targeted at youth, taking particular account of the human rights of women.

6. Training for enterprise programmes

30. Governments, in cooperation with regional and international organizations, should formulate model training programmes for youth in individual and cooperative enterprises. They are encouraged to establish self-contained enterprise centres where young people may plan and test their enterprise venture concepts.

7. Infrastructure for training youth workers and youth leaders

31. Governments should assess the adequacy of facilities and programmes to train youth workers and youth leaders, including the adequacy of curricula and staff resources. On the basis of such assessments, Governments should plan and implement relevant training programmes. Non-governmental youth organizations should be encouraged and assisted in formulating and disseminating model training courses for use by member organizations.

32. Interested organizations should investigate possibilities of strengthening international youth worker and youth leadership training, with priority given to accepting participants from developing countries. In cooperation with concerned organizations that provide training opportunities for youth, including internships and volunteer programmes, establishment of an inventory of such programmes could also be explored.

B. Employment

33. Unemployment and underemployment among youth is a problem everywhere. It is, indeed, part of the larger struggle to create employment opportunities for all citizens. The problem has worsened in recent years because of the global recession which has affected developing countries the most seriously. The disturbing fact is that economic growth is not always accompanied by growth in employment. The difficulty of finding suitable employment is compounded by a host of other problems confronting young people, including illiteracy and insufficient training, and is worsened by periods of world economic slow-down and by overall changing economic trends. In some countries, the influx of young people into the employment market has brought with it acute problems. According to estimates of the International Labour Organization, more than one hundred million new jobs would have to be created within the next twenty years in order to provide suitable employment for the growing number of young people in the economically active populations of developing countries. The situation of girls and young women, as well as of young people with disabilities, refugee youth, displaced persons, street children, indigenous youth, migrant

youth and minorities warrants urgent attention, bearing in mind the prohibition of forced labour and child labour.

34. The crisis of youth unemployment deprives young people of the opportunity to secure independent housing or the accommodations necessary for the establishment of families and participation in the life of society. Advances in technology and communications, coupled with improved productivity, have imposed new challenges as well as new opportunities for employment. Young people are among the most severely affected by these developments. If effective solutions are not found, the cost to society will be much higher in the long run. Unemployment creates a wide range of social ills and young people are particularly susceptible to its damaging effects: the lack of skills, low self-esteem, marginalization, impoverishment and the wasting of an enormous human resource.

Proposals for action

1. Opportunities for self-employment

35. Governments and organizations should create or promote grant schemes to provide seed money to encourage and support enterprise and employment programmes for young people. Businesses and enterprises could be encouraged to provide counterpart financial and technical support for such schemes. Cooperative schemes involving young people in production and marketing of goods and services could be considered. The formation of youth development banks could be considered. The Committee for the Promotion and Advancement of Cooperatives is encouraged to develop models for cooperatives run by youth in developed and developing countries. Such models could include guidelines for management training and training in entrepreneurial techniques and marketing.

2. Employment opportunities for specific groups of young people

36. Within funds designated to promote youth employment, Governments should, as appropriate, designate resources for programmes supporting the efforts of young women, young people with disabilities, youth returning from military service, migrant youth, refugee youth, displaced persons, street children and indigenous youth. Youth organizations and young people themselves should be directly involved in the planning and implementation of these programmes.

3. Voluntary community services involving youth

37. Where they do not already exist, Governments should consider the establishment of voluntary service programmes for youth. Such programmes could provide alternatives to military service, or might constitute a required element in educational curricula, depending on national policies and priorities. Youth camps, community service projects, environmental protection and inter-generational cooperation programmes should be included among the opportunities offered. Youth organizations should be directly involved in designing, planning, implementing and evaluating such voluntary service programmes. In addition, international cooperation programmes organized between youth organizations in developed and developing countries should be included to promote intercultural understanding and development training.

4. Needs created by technological changes

38. Governments, in particular those of developed countries, should encourage the creation of employment opportunities for young people in fields that are rapidly evolving as a result of technological innovation. A subset of the employment data compiled by Governments should track the employment of youth into those fields marked by newly emerging technologies. Measures should be taken to provide ongoing training for youth in this area.

39. Special attention should be paid to developing and disseminating approaches that promote flexibility in training systems and collaboration between training institutions and employers, especially for young people in high-technology industries.

C. Hunger and poverty

40. Over one billion people in the world today live in unacceptable conditions of poverty, mostly in developing countries, particularly in rural areas of low-income countries in Asia and the Pacific, Africa, Latin America and the Caribbean and the least developed countries. Poverty has various manifestations: hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion; it is also characterized by a lack of participation in decision-making and in civil and socio-cultural life. Poverty is inseparably linked to lack of access to or loss of control over resources, including land, skills, knowledge, capital and social connections. Without those resources, people have limited access to institutions, markets, employment and public services. Young people are particularly affected by this situation. Therefore, specific measures are needed to address the juvenilization and feminization of poverty.

41. Hunger and malnutrition remain among the most serious and intractable threats to humanity, often preventing youth and children from taking part in society. Hunger is the result of many factors: mismanagement of food production and distribution; poor accessibility; maldistribution of financial resources; unwise exploitation of natural resources; unsustainable patterns of consumption; environmental pollution; natural and human-made disasters; conflicts between traditional and contemporary production systems; irrational population growth; and armed conflicts.

Proposals for action

- 1. Making farming more rewarding and life in agricultural areas more attractive
- 42. Governments should enhance educational and cultural services and other incentives in rural areas to make them more attractive to young people. Experimental farming programmes directed towards young people should be initiated and extension services expanded to maintain improvements in agricultural production and marketing.
- 43. Local and national Governments, in cooperation with youth organizations, should organize cultural events that enhance exchanges between urban and rural youth. Youth organizations should be encouraged and assisted in organizing conventions and meetings in rural areas, with special efforts to

enlist the cooperation of rural populations, including rural youth.

- 2. Skill-training for income-generation by young people
- 44. Governments, in cooperation with youth organizations, should develop training programmes for youth which improve methods of agricultural production and marketing. Training should be based on rural economic needs and the need to train young people in rural areas in techniques of food production and the achievement of food security. Attention should be given in such programmes to young women, youth retention in rural areas, youth returning to rural areas from the cities, young people with disabilities, refugee and migrant youth, displaced persons and street children, indigenous youth, youth returning from military service and youth living in areas of resolved conflicts.

3. Land grants for young people

- 45. Governments should provide grants of land to youth and youth organizations, supported by financial and technical assistance and training. The Food and Agriculture Organization of the United Nations and the International Labour Organization are invited to document and disseminate information about national experience with land-grant and settlement schemes for use by Governments.
- 46. Governments, consistent with their rural development schemes and with the assistance of international organizations, as appropriate, are encouraged to work with volunteer youth organizations on projects which enhance and maintain the rural and urban environments.
 - 4. Cooperation between urban and rural youth in food production and distribution
- 47. Non-governmental organizations should organize direct-marketing groups, including production and distribution cooperatives, to improve current marketing systems and to ensure that young farmers have access to them. The aim of such groups should be to reduce food shortages and losses from defective systems of food storage and transport to markets.

D. Health

- 48. Young people in some parts of the world suffer from poor health as a result of societal conditions, including such factors as customary attitudes and harmful traditional practices and, in some cases, as a result of their own actions. Poor health is often caused by an unhealthy environment, by missing support systems in everyday life for health promoting patterns of behaviour, by lack of information and by inadequate or inappropriate health services. Problems include the lack of a safe and sanitary living environment, malnutrition, the risk of infectious, parasitic and water-borne diseases, the growing consumption of tobacco, alcohol and drugs, unwarranted risk-taking and destructive activity, resulting in unintentional injuries.
- 49. The reproductive health needs of adolescents have been largely ignored. In many countries, there is a lack of information and services available to adolescents to help them understand their sexuality, including sexual and reproductive health, and to protect them from unwanted pregnancies and sexually transmitted diseases, including HIV/AIDS.

Proposals for action

- 1. Provision of basic health services
- 50. All young people should have access to basic health services in the interest of all and of society as a whole. It is the indispensable responsibility of each Government to mobilize the necessary awareness, resources and channels. These measures should be supported by a favourable international economic environment and by cooperation.
- 51. Efforts should be expedited to achieve the goals of national health-for-all strategies, based on equality and social justice, in line with the Declaration of Alma Ata on primary health care adopted on 12 September 1978 by the International Conference on Primary Health Care, by developing or updating country action plans or programmes to ensure universal, non-discriminatory access to basic health services, including sanitation and drinking water, to protect health, and to promote nutrition education and preventive health programmes.
- 52. Support should be provided for stronger, better coordinated global actions against major diseases which take a heavy toll of human lives, such as malaria, tuberculosis, cholera, typhoid fever and HIV/AIDS; in this context, support should be continued for the Joint and Co-sponsored United Nations Programme on the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).
- 53. Poor health is often caused by lack of information and lack of health services for youth, mostly in developing countries. The resulting problems are, among others, sexually transmitted diseases, including infection with HIV; early pregnancies; lack of hygiene and sanitation, leading to infection, infestation and diarrhoea; genetic and congenital diseases; psychological and mental diseases; narcotic and psychotropic drug abuse; misuse of alcohol and tobacco; unwarranted risk-taking and destructive activity, resulting in unintentional injuries; malnutrition; and poor spacing of births.

2. Development of health education

- 54. Governments should include, in the curricula of educational institutions at the primary and secondary levels, programmes focusing on primary health knowledge and practices. Particular emphasis should be placed on the understanding of basic hygiene requirements and the need to develop and sustain a healthy environment. These programmes need to be developed in full awareness of the needs and priorities of young people and with their involvement.
- 55. Cooperation among Governments and educational and health institutions should be encouraged in order to promote personal responsibility for a healthy lifestyle and provide the knowledge and skills necessary to adopt a healthy lifestyle, including teaching the legal, social and health consequences of behaviour that poses health risks.
 - 3. Promotion of health services, including sexual and reproductive health and development of relevant education programmes in those fields
- 56. Governments, with the involvement of youth and other relevant organizations, should ensure the implementation of the commitments made in the Programme of Action of the International Conference on Population and Development, as established in the report of that Conference, in the Copenhagen Declaration on Social Development and the Programme of

Action of the World Summit on Social Development, and in the Beijing Declaration and the Platform for Action for the Fourth World Conference on Women, as well as in the relevant human rights instruments, to meet the health needs of youth. The United Nations Population Fund and other interested United Nations organizations should continue to take effective steps on these issues. The reproductive health needs of adolescents as a group have been largely ignored to date by existing reproductive health services. The response of societies to the reproductive health needs of adolescents should be based on information that helps them attain a level of maturity required to make responsible decisions. In particular, information and services should be made available to adolescents to help them understand their sexuality and protect them from unwanted pregnancies, sexually transmitted diseases and the subsequent risk of infertility. This should be combined with the education of young men to respect women's self-determination and to share responsibility with women in matters of sexuality and reproduction. This effort is uniquely important for the health of young women and their children, for women's self-determination and, in many countries, for efforts to slow the momentum of population growth. Motherhood at a very young age entails a risk of maternal death that is much greater than average, and the children of young mothers have higher levels of morbidity and mortality. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall for young women, early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a longterm adverse impact on the quality of life of young women and their children.

57. Governments should develop comprehensive sexual and reproductive health-care services and provide young people with access to those services including, *inter alia*, education and services in family planning consistent with the results of the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women. The United Nations Population Fund and other interested United Nations organizations are to be encouraged to continue assigning high priority to promoting adolescent reproductive health.

4. HIV infection and AIDS among young people

58. Governments should develop accessible, available and affordable primary health care services of high quality, including sexual and reproductive health care, as well as education programmes, including those related to sexually transmitted disease, including HIV/AIDS, for youth. Continued international cooperation and collective global efforts are necessary for the containment of HIV/AIDS.

5. Promotion of good sanitation and hygiene practices

59. Governments, in cooperation with youth and volunteer organizations, should promote the establishment of youth health associations to promote good sanitation and hygiene programmes.

- 6. Prevention of disease and illness among youth resulting from poor health practices
- 60. Governments, in cooperation with youth organizations, should promote healthier lifestyles and, in this context, should investigate the possibility of adopting policies for discouraging drug, tobacco and alcohol abuse, including possibly banning the advertisement of tobacco and alcohol. They should also undertake programmes to inform young people about the adverse effects of drug and alcohol abuse and tobacco addiction.
- 61. Programmes should be instituted, with the appropriate assistance of the United Nations bodies and organizations concerned, to train medical, paramedical, educational and youth work personnel in health issues of particular concern to young people, including healthy lifestyles. Research into such issues should be promoted, particularly research into the effects and treatment of drug abuse and addiction. Youth organizations should be enlisted in these efforts.

7. Elimination of sexual abuse of young people

62. As recommended by the Vienna Declaration and Programme of Action, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, and bearing in mind that young women are specially vulnerable, Governments should cooperate at the international level and take effective steps, including specific preventive measures to protect children, adolescents and youth from neglect, abandonment and all types of exploitation and abuse, such as abduction, rape and incest, pornography, trafficking and acts of paedophilia, as well as from commercial sexual exploitation resulting from pornography and prostitution. Governments should enact and enforce legislation prohibiting female genital mutilation wherever it exists and give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices.

8. Combating malnutrition among young people

63. Governments should promote post-primary-school and out-of-school health projects by individuals and youth organizations, emphasizing information on healthy eating practices. School lunch programmes, provision of food supplements and similar services should be available whenever possible to help ensure a proper diet for young people.

E. Environment

64. The deterioration of the natural environment is one of the principal concerns of young people world wide as it has direct implications for their well-being both now and in the future. The natural environment must be maintained and preserved for both present and future generations. The causes of environmental degradation must be addressed. The environmentally friendly use of natural resources and environmentally sustainable economic growth will improve human life. Sustainable development has become a key element in the programmes of youth organizations throughout the world. While every segment of society is responsible for maintaining the environmental integrity of the community, young people have a special interest in maintaining a healthy environment because they will be the ones to inherit it.

- 1. Integration of environmental education and training into education and training programmes
- 65. Emphasis should be given in school curricula to environmental education. Training programmes should be provided to inform teachers of the environmental aspects of their subjectmatter and to enable them to educate youth concerning environmentally friendly habits.
- 66. The participation of youth groups in gathering environmental data and in understanding ecological systems and actual environmental action should be encouraged as a means of improving both their knowledge of the environment and their personal engagement in caring for the environment.
 - 2. Facilitating the international dissemination of information on environmental issues to, and the use of environmentally sound technologies by, youth
- 67. The United Nations Environment Programme, in cooperation with Governments and non-governmental youth organizations, is invited to intensify production of information materials illustrating the global dimension, its origins and the interrelated effects of environmental degradation, describing the outcome of initiatives undertaken in developing and developed countries as well as countries with economies in transition. The United Nations Environment Programme is requested to continue its efforts to disseminate information to and exchange information with youth organizations. Governments should encourage and assist youth organizations to initiate and develop youth-to-youth contacts through town-twinning and similar programmes in order to share the experience gained in different countries.
- 68. Relevant United Nations organizations and institutions and Governments of technologically advanced countries are encouraged to help spread the use of environmentally sound technologies in developing countries and in countries with economies in transition and to train youth in making use of such technologies in protecting and conserving the environment.
 - Strengthening participation of youth in the protection, preservation and improvement of the environment
- 69. Governments and youth organizations should initiate programmes to promote participation in tree planting, forestry, combating desert creep, waste reduction, recycling and other sound environmental practices. The participation of young people and their organizations in such programmes can provide good training and encourage awareness and action. Waste management programmes may represent potential income-generating activities which provide opportunities for employment.
- 70. As recognized by the United Nations Conference on Environment and Development, the involvement of youth in environment and development decision-making is critical to the implementation of policies of sustainable development. Young people should be involved in designing and implementing appropriate environmental policies.

- 4. Enhancing the role of the media as a tool for widespread dissemination of environmental issues to youth
- 71. Governments should, to the extent consistent with freedom of expression, encourage the media and advertising agencies to develop programmes to ensure widespread dissemination of information on environmental issues in order to continue to raise awareness thereof among youth.
- 72. Governments should establish procedures allowing for consultation and possible participation of youth of both genders in decision-making processes with regard to the environment, at the local, national and regional levels.

F. Drug abuse

- 73. The vulnerability of young people to drug abuse has in recent years become a major concern. The consequences of widespread drug abuse and trafficking, particularly for young men and women, are all too apparent. Violence, particularly street violence, often results from drug abuse and illicit drug networks.
- 74. As the number of psychotropic drugs increases steadily and their effects and appropriate prescriptive uses are often not fully known, some patients may not be adequately treated and others may become over-medicated. Abuse of prescription drugs, self-medication with tranquillizers, sleeping-pills and stimulants can also create serious problems, particularly in countries and regions where distribution controls are weak and habit-forming drugs are purchased abroad or diverted from licit channels of distribution. In this context, the vulnerability of young people raises a particular problem and specific measures are therefore needed.
- 75. The international community places particular emphasis on reducing the demand for and supply of illegal drugs and preventing abuse. Supply reduction includes combating international illicit drug trafficking. Drug abuse prevention initiatives range from discouraging people from taking drugs, thus preventing involuntary addiction, to helping those who are abusing drugs to stop doing so. Treatment programmes need to recognize that drug abuse is a chronic relapsing condition. It is essential for programmes to be adapted to the social and cultural context and for there to be effective cooperation between various approaches to treatment. To this end, national initiatives and measures to combat illicit drug trafficking should be fully supported and reinforced at the regional and international levels.
- 76. Drug control strategies at the national and international levels consistently emphasize initiatives aimed at reducing drug abuse among young people. This is reflected in the resolutions of the Commission on Narcotic Drugs and in the demand reduction programmes of the United Nations International Drug Control Programme.

Proposals for action

- 1. Participation of youth organizations and youth in demand reduction programmes for young people
- 77. To be effective, demand reduction programmes should be targeted at all young people, particularly those at risk, and the content of the programmes should respond directly to the interests and concerns of those young people. Preventive

education programmes showing the dangers of drug abuse are particularly important. Increasing opportunities for gainful employment and activities which provide recreation and opportunities to develop a variety of skills are important in helping young people to resist drugs. Youth organizations can play a key role in designing and implementing education programmes and individual counselling to encourage the integration of youth into the community, to develop healthy lifestyles and to raise awareness of the damaging impact of drugs. The programmes could include training of youth leaders in communication and counselling skills.

- 78. Government entities, in cooperation with relevant agencies of the United Nations system, non-governmental organizations, particularly youth organizations, should cooperate in carrying out demand reduction programmes for illicit drugs, tobacco and alcohol.
 - 2. Training medical and paramedical students in the rational use of pharmaceuticals containing narcotic drugs or psychotropic substances
- 79. The World Health Organization, associations of the medical, paramedical and pharmaceutical professions and pharmaceutical corporations and medical faculties and institutions could be asked to develop model training courses and disseminate information material for young medical and paramedical students on the proper handling of drugs and the early identification and diagnosis of substance abuse.
 - 3. Treatment and rehabilitation of young people who are drug abusers or drug-dependent and young alcoholics and tobacco users
- 80. Research has been undertaken into the possibility of identifying medication to block cravings for specific drugs without creating secondary dependency, but much remains to be done in this area. The need for medical and social research in the prevention and treatment of substance abuse as well as rehabilitation, has become more urgent, particularly with the world-wide increase in abuse and addiction among young people. In such research, emphasis should be given to the fact that intravenous substance abuse raises the risk of contracting communicable diseases, including HIV/AIDS and hepatitis, arising from the sharing of needles and other injection equipment. The fruits of all such research should be shared globally.
- 81. Research on issues such as the medical treatment and the rehabilitation of young drug abusers, including the combination of different types of treatment, the problem of recidivism and the administrative aspects of drug treatment, and the inclusion of students in the relevant faculties in such research, should be encouraged.
- 82. In cooperation with the institutions of civil society and the private sector, drug abuse prevention should be promoted, as should preventive education for children and youth and rehabilitation and education programmes for former drug and alcohol addicts, especially children and youth, in order to enable them to obtain productive employment and achieve the independence, dignity and responsibility for a drug-free, crime-free productive life. Of particular interest is the development of treatment techniques involving the family setting and peer groups. Young people can make significant contributions by participating in peer group therapy to facilitate the acceptance

of young drug-dependent persons and abusers upon their re-entry into society. Direct participation in rehabilitation therapy entails close cooperation between youth groups and other community and health services. The World Health Organization and other world-wide medical and mental health organizations could be requested to set guidelines for continuing research and for carrying out comparable programmes in different settings, whose effectiveness could be evaluated over a given period of time.

- 4. Care for young drug abusers and drug-dependent suspects and offenders in the criminal justice and prison system
- 83. Authorities should consider strategies to prevent exposure to drug abuse and dependence among young people suspected or convicted of criminal offences. Such strategies could include alternative measures, such as daily reporting to police stations, regular visits to parole officers or the fulfilment of a specified number of hours of community service.
- 84. Prison authorities should cooperate closely with law enforcement agencies to keep drugs out of the prison system. Prison personnel should be discouraged from tolerating the presence of drugs in penal institutions.
- 85. Young prisoners who are already drug-dependent should be targeted as priority candidates for treatment and rehabilitation services and should be segregated as appropriate. Guidelines and standard minimum rules should be prepared to assist national authorities in law enforcement and prison systems in maintaining the necessary controls and initiating treatment and rehabilitation services. Action along these lines constitutes a long-term advantage to society, as the cycle of dependence, release, repeated offences and repeated incarcerations constitutes a heavy burden on the criminal justice system, quite apart from the wasted lives and personal tragedies which result from drug dependence and criminal behaviour.

G. Juvenile delinquency

86. Juvenile crime and delinquency are serious problems all over the world. Their intensity and gravity depend mostly on the social, economic and cultural conditions in each country. There is evidence, however, of an apparent world-wide increase in juvenile criminality combined with economic recession, especially in marginal sectors of urban centres. In many cases, youth offenders are "street children" who have been exposed to violence in their immediate social environment, either as observers or as victims. Their basic education, when they have it, is poor; their primary socialization from the family is too often inadequate; and their socio-economic environment is shaped by poverty and destitution. Rather than relying solely on the criminal justice system, approaches to the prevention of violence and crime should thus include measures to support equality and justice, to combat poverty and to reduce hopelessness among young people.

Proposals for action

1. Priority to preventive measures

87. Governments should give priority to issues and problems of juvenile delinquency and youth criminality, with particular attention to preventive policies and programmes. Rural areas should be provided with adequate socio-economic opportunities and administrative services which could discourage young people from migrating to urban areas. Youth from poor urban settings should have access to specific educational, employment and leisure programmes, particularly during long school holidays. Young people who drop out of school or come from broken families should benefit from specific social programmes that help them build self-esteem and confidence conducive to responsible adulthood.

2. Prevention of violence

- 88. Governments and other relevant organizations, particularly youth organizations, should consider organizing information campaigns and educational and training programmes in order to sensitize youth to the personally and socially detrimental effects of violence in the family, community and society, to teach them how to communicate without violence and to promote training so that they can protect themselves and others against violence. Governments should also develop programmes to promote tolerance and better understanding among youth, with a view to eradicating contemporary forms of racism, racial discrimination, xenophobia and related intolerance and thereby prevent violence.
- 89. To prevent violence and crime, the development of social organization, particularly through youth organizations and community involvement, should be fostered by a supportive social policy and within a legal framework. Government assistance should focus on facilitating the ability of community and youth organizations to express and evaluate their needs concerning the prevention of violence and crime, to formulate and implement actions for themselves and to cooperate with each other.

3. Rehabilitation services and programmes

90. Destitution, poor living conditions, inadequate education, malnutrition, illiteracy, unemployment and lack of leisure-time activities are factors that marginalize young people, which makes some of them vulnerable to exploitation as well as to involvement in criminal and other deviant behaviour. If preventive measures address the very causes of criminality, rehabilitation programmes and services should be made available to those who already have a criminal history. In general, youth delinquency begins with petty offences such as robbery or violent behaviour, which can be easily traced by and corrected through institutions and community and family environments. Indeed law enforcement should be a part of rehabilitation measures. Finally, the human rights of young people who are imprisoned should be protected and principles of penal majority according to penal laws should be given great attention.

H. Leisure-time activities

91. The importance of leisure-time activities in the psychological, cognitive and physical development of young people is recognized in all societies. Leisure-time activities include games, sports, cultural events, entertainment and community service. Appropriate leisure programmes for youth are elements of any measure aimed at fighting social ills such as drug abuse, juvenile delinquency and other deviant behaviour. While leisure programmes can contribute greatly to the development of the physical, intellectual and emotional potential of young people, they should be designed with due care and concern so that they

are not used as a means for excluding youth from participating in other aspects of social life or for indoctrinating them. Leisuretime activity programmes should be made freely available to young people.

Proposals for action

- Leisure-time activities as an integral part of youth policies and programmes
- 92. Governments, in planning, designing and implementing youth policies and programmes, with the active involvement of youth organizations, should recognize the importance of leisure-time activities. The importance given to such activities should be reflected in appropriate funding.
- 93. Governments are invited to establish public libraries, cultural centres and other cultural facilities in rural and urban areas, with the aid of international organizations, and to provide assistance to young people active in the fields of drama, the fine arts, music and other forms of cultural expression.
- 94. Governments are invited to encourage the participation of young people in tourism, international cultural events, sports and all other activities of special interest to youth.
 - Leisure-time activities as elements of educational programmes
- 95. Governments, by providing adequate funding to educational institutions for the establishment of leisure-time activities, may accord priority to such activities. In addition, leisure-time activities could be integrated into the regular school curriculum.
 - 3. Leisure-time activities in urban planning and rural development
- 96. National Governments as well as local authorities and community development agencies should incorporate leisure-time activity programmes and facilities in urban planning, giving particular attention to areas with a high population density. Equally, rural development programmes should pay due attention to the leisure needs of rural youth.
 - 4. Leisure-time activities and the media
- 97. The media should be encouraged to promote youth understanding and awareness of all aspects of social integration, including tolerance and non-violent behaviour.

I. Girls and young women

98. One of the most important tasks of youth policy is to improve the situation of girls and young women. Governments therefore should implement their obligations under international human rights instruments as well as implementing the Platform for Action of the Fourth World Conference on Women, the Programme of Action of the International Conference on Population and Development, the Vienna Declaration and Programme of Action of the World Conference on Human Rights and other programmes of relevant United Nations conferences. Girls are often treated as inferior and are socialized to put themselves last, thus undermining their self-esteem. Discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. Negative cultural attitudes and practices as well as gender-biased educational processes including curricula, educa-

tional materials and practices, teachers' attitudes and classroom interaction, reinforce existing gender inequalities.

Proposals for action

1. Discrimination

99. Discrimination and neglect in childhood can initiate a lifelong exclusion from society. Action should be taken to eliminate discrimination against girls and young women and to ensure their full enjoyment of human rights and fundamental freedoms through comprehensive policies, plans of action and programmes on the basis of equality. Initiatives should be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership.

2. Education

100. Universal and equal access to and completion of primary education for girls and young women as well as equal access to secondary and higher education should be ensured. A framework should be provided for the development of educational materials and practices that are gender balanced and promote an educational setting that eliminates all barriers impeding the schooling of girls and young women, including married and/or pregnant girls and young women.

3. Health

101. Discrimination against girls and young women should be eliminated in health and nutrition. The removal of discriminatory laws and practices against girls and young women in food allocation and nutrition should be promoted, and their access to health services should be ensured in accordance with the Programme of Action of the International Conference on Population and Development and the Platform for Action of the Fourth World Conference on Women.

4. Employment

102. Girls and young women should be protected from economic and related forms of exploitation and from performing any work that is likely to be hazardous, to interfere with their education or to be harmful to their health or their physical, mental, spiritual, moral or social development, in conformity with the Convention of the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Equal access for young women to all employment opportunities should be promoted and their participation in the traditionally male-dominated sectors should be encouraged.

5. Violence

103. Governments should cooperate at the international level and enact and enforce legislation protecting girls and young women from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography. Age appropriate, safe and confidential programmes and support services to assist girls and young women who are subjected to violence should be developed in cooperation with relevant non-governmental organizations, particularly youth organizations, as appropriate.

Full and effective participation of youth in the life of society and in decision-making

- 104. The capacity for progress of our societies is based, among other elements, on their capacity to incorporate the contribution and responsibility of youth in the building and designing of the future. In addition to their intellectual contribution and their ability to mobilize support, they bring unique perspectives that need to be taken into account.
- 105. Any efforts and proposed actions in the other priority areas considered in this programme are, in a certain way, conditioned by enabling the economic, social and political participation of youth, as a matter of critical importance.
- 106. Youth organizations are important forums for developing skills necessary for effective participation in society, promoting tolerance and increased cooperation and exchanges between youth organizations.

Proposals for action

- 107. The following actions are proposed:
- (a) Improving access to information in order to enable young people to make better use of their opportunities to participate in decision-making;
- (b) Developing and/or strengthening opportunities for young people to learn their rights and responsibilities, promoting their social, political, developmental and environmental participation, removing obstacles that affect their full contribution to society and respecting, inter alia, freedom of association;
- (c) Encouraging and promoting youth associations through financial, educational and technical support and promotion of their activities;
- (d) Taking into account the contribution of youth in designing, implementing and evaluating national policies and plans affecting their concerns;
- (e) Encouraging increased national, regional and international cooperation and exchange between youth organizations;
- (f) Inviting Governments to strengthen the involvement of young people in international forums, inter alia, by considering the inclusion of youth representatives in their national delegations to the General Assembly.

V. MEANS OFMPLEMENTATION

- 108. Effective implementation of the World Programme of Action for Youth to the Year 2000 and Beyond will require a significant expression of commitment by organizations and institutions responsible for its adoption and implementation and the involvement of such organizations and especially of youth from all sectors of society. Without such commitment by governmental, intergovernmental and non-governmental entities at the national, regional and international levels, the Programme of Action will remain little more than a global statement of intent and general standard for action.
- 109. Therefore the development of an overall system of enabling mechanisms is necessary in order for the Programme of Action to be implemented. Such mechanisms should engage, on a continuing basis, the human, political, economic, financial and socio-cultural resources necessary to ensure that the Programme is implemented efficiently and effectively.
- 110. Implementation of the Programme of Action is ultimately the responsibility of Governments with the support of

the international community and in cooperation, as appropriate, with the non-governmental and private sectors. Translation of the Programme's proposals for action into specific plans, targets and law will be influenced by national priorities, resources and historical experience. In this process, Governments can be assisted, at their request, by regional and international organizations.

111. In implementing the Programme of Action, Governments, youth organizations and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes in accordance with the results of the International Conference on Population and Development, the World Summit on Social Development and the Fourth World Conference on Women.

A. National level

- 112. Governments which have not already done so are urged to formulate and adopt an integrated national youth policy as a means of addressing youth-related concerns. This should be done as part of a continuing process of review and assessment of the situation of youth, formulation of a cross-sectoral national youth programme of action in terms of specific, time-bound objectives and a systematic evaluation of progress achieved and obstacles encountered.
- 113. Reinforcing youth-related concerns in development activities can be facilitated through the existence of multilevel mechanisms for consultation, dissemination of information, coordination, monitoring and evaluation. These should be cross-sectoral in nature and multidisciplinary in approach and should include the participation of youth-related departments and ministries, national non-governmental youth organizations and the private sector.
- 114. Special and additional efforts may be required to develop and disseminate model frameworks for integrated policies and to identify and organize an appropriate division of responsibilities among both governmental and non-governmental entities concerned with youth-related issues. Special and additional efforts could also be directed towards strengthening national capacities for data collection and dissemination of information, research and policy studies, planning, implementation and coordination, and training and advisory services.
- 115. National coordinating mechanisms should be appropriately strengthened for integrated youth policies and programmes. Where such mechanisms do not exist, Governments are urged to promote their establishment on a multilevel and cross-sectoral basis.

B. Regional cooperation

- 116. The activities of the United Nations regional commissions, in cooperation with concerned regional intergovernmental and non-governmental youth and youth-related organizations, are essential complements to national and global action aimed at building national capacities.
- 117. Regional commissions, within their existing mandates, are urged to promote the implementation of the Programme of Action through incorporation of its goals in their plans, to undertake comprehensive reviews of the progress achieved and obstacles encountered and to identify options to further regional-level action.

- 118. Regional intergovernmental meetings of ministers responsible for youth, in cooperation with the concerned United Nations regional commissions, regional intergovernmental organizations and regional non-governmental youth organizations, can make particular contributions to the formulation, implementation, coordination and evaluation of action at the regional level, including periodic monitoring of regional youth programmes.
- 119. Data collection, dissemination of information, research and policy studies, inter-organizational coordination and technical cooperation, training seminars and advisory services are among the measures which can be provided on request at the regional level to promote, implement and evaluate youth programmes.
- 120. Regional non-governmental youth organizations, regional offices of bodies and organizations of the United Nations system and regional intergovernmental organizations concerned with youth are invited to consider meeting on a biennial basis to review and discuss issues and trends and to identify proposals for regional and subregional cooperation. United Nations regional commissions are also invited to play an essential role through the provision of a suitable venue and appropriate input regarding regional action.

C. International cooperation

- 121. An essential role for international cooperation is to promote conditions conducive to the implementation of the Programme of Action at all levels. Means available include debates at the policy level and decisions at the intergovernmental level, global monitoring of issues and trends, data collection and dissemination of information, research and studies, planning and coordination, technical cooperation and outreach and partnership among interested constituencies from both the nongovernmental and private sectors.
- 122. In its capacity as the subsidiary body of the Economic and Social Council responsible for global social development issues, the Commission for Social Development has an important role to play as the focal point for the implementation of the Programme of Action. The Commission is called upon to continue the policy-level dialogue on youth for policy coordination and for periodic monitoring of issues and trends.
- 123. Current regional and interregional conferences of ministers responsible for youth affairs in Africa, Asia, Europe, Latin America and the Caribbean and Western Asia are invited to intensify cooperation among each other and to consider meeting regularly at the international level under the aegis of the United Nations. Such meetings could provide an effective forum for a focused global dialogue on youth-related issues.
- 124. Youth-related bodies and organizations of the United Nations system are invited to cooperate with the above-mentioned conferences. In this connection, the existing ad hoc inter-agency working group on youth should meet annually and invite all concerned bodies and agencies of the United Nations system and related intergovernmental organizations to discuss ways and means by which they can promote the implementation of the Programme of Action on a coordinated basis.
- 125. Effective channels of communication between nongovernmental youth organizations and the United Nations system are essential for dialogue and consultation on the situation of youth and implications for the implementation of the Pro-

gramme of Action. The General Assembly has repeatedly stressed the importance of channels of communication in the field of youth. The Youth Forum of the United Nations system could contribute to the implementation of the Programme of Action through the identification and promotion of joint initiatives to further its objectives so that they better reflect the interests of youth.

1. Data collection and dissemination of information

126. Capacities to collect, analyse and present data in a timely and accurate fashion are essential for effective planning and target-setting, for monitoring issues and trends and for evaluating progress achieved in implementing the Programme of Action. Special attention should be directed towards building national capacities and institutions regularly to collect and compile socio-economic data series that are both cross-sectional and disaggregated by cohort. To this end, interested centres and institutions may wish to consider the possibility of jointly strengthening or establishing, in cooperation with the United Nations, networks concerned with collection of data and publication of statistics and to realize thereby greater economies of scale in the development and dissemination of statistics in the field of youth.

127. Major contributions related to data and statistics in the field of youth are currently being made by the United Nations. Such contributions include the socio-economic data collection and statistical development activities of the Statistics Division of the Department for Economic and Social Information and Policy Analysis of the Secretariat; the youth policies and programmes information activities of the Division for Social Policy and Development of the Department for Policy Coordination and Sustainable Development of the Secretariat; the educational and literacy data collection activities of the United Nations Educational, Scientific and Cultural Organization; and the youth advisory networks of the United Nations Environment Programme. Concerned bodies and agencies of the United Nations system are urged to explore ways and means of achieving greater coherence in data collection and the publication of statistics. This could include programme planning and coordination on an inter-agency basis. For example, the data bank programme on adolescent health of the World Health Organization is coordinated with the work of the Statistics Division of the Secretariat. Other bodies and agencies of the United Nations system are invited to contribute data in their respective areas of expertise to an integrated socio-economic data bank on youth. For instance, the international drug abuse assessment system of the United Nations International Drug Control Programme is urged to consider including a component on youth and drugs. An inventory of innovative youth policies, programmes and projects could be coordinated and made available to interested users by the Department for Policy Coordination and Sustainable Development. Other topics that could be considered for joint action include juvenile delinquency, runaways and homeless youth.

128. Public information and communications are equally important in building awareness of youth issues, as well as a consensus on appropriate planning and action. The bodies and organizations of the United Nations system concerned are urged, as a matter of priority, to review publications currently produced and to identify ways in which these publications can

better promote the Programme of Action and areas in which they may need to be complemented through the production of leaflets and posters in connection with special events.

129. To encourage widespread awareness of and support for the Programme of Action, Governments, non-governmental organizations and, as appropriate, the private sector, are urged to consider the possibility of preparing both printed and audiovisual materials related to areas of concern in the Programme of Action. This could be carried out with the assistance of and in cooperation with the United Nations and materials could be disseminated through United Nations public information channels. In addition young people and youth organizations are urged to identify and plan information activities that focus on priority issues, which they would undertake within the context of the Programme of Action.

2. Research and policy studies

- 130. Comparative studies on issues and trends concerning youth are essential to the continuous expansion and development of the global body of knowledge on relevant theories, concepts and methods. International, regional and national research centres and institutions concerned with youth-related issues are urged to consider the possibility of establishing cooperative relationships with the United Nations to ensure effective links between the implementation of the Programme of Action and relevant research and studies.
- 131. Cooperation in strengthening and improving national capacities for the research, design, conduct and dissemination of relevant studies on the situation of young people is a closely related concern.
- 132. A third concern is the improved planning and coordination of the scarce human and financial resources available so that appropriate attention is accorded to initiatives undertaken by young people at all levels, related to priority areas identified in the Programme of Action, to the identification and assessment of issues and trends and to the review and evaluation of policy initiatives.

3. Planning and coordination

- 133. Using the mechanisms currently available within the United Nations system for planning, programming and coordinating activities concerning youth, interested bodies and organizations of the United Nations system are urged to review their medium-term planning process to give appropriate consideration to reinforcing a youth perspective in their activities. They are also urged to identify current and projected programme activities that correspond to the priorities of the Programme of Action so that these activities can be reinforced throughout the system. Appropriate attention should be directed towards identifying opportunities for joint planning among interested members of the system so that joint action may be undertaken which reflects their respective areas of competence, that is of direct interest to young people or that responds to priority needs of young people in special circumstances.
- 134. A complementary mechanism for coordination is provided by the channels that have been developed between the United Nations and intergovernmental and non-governmental youth organizations. Such mechanisms require appropriate strengthening to enable them to respond better to priorities for action, as identified in the Programme of Action.

- 4. Technical cooperation, training and advisory services
- 135. Technical cooperation is an essential means for building national capacities and institutional capabilities. Bodies and organizations of the United Nations system that have not already done so are urged to review and assess their range of programmatic and operational activities in the light of the priorities for action identified in the Programme of Action and to reinforce a youth dimension in technical cooperation activities. In this regard, special attention should be directed towards measures that will serve to promote expanded opportunities for international technical assistance and advisory services in the field of youth as a means of building expanded and strengthened networks of institutions and organizations.
- 136. There is a need to continue to improve the impact of technical cooperation activities carried out by the United Nations system, including those that relate to youth activities. The United Nations system must continue to assist Governments, at their request, to ensure implementation of national plans and strategies within the national priorities and programmes to support youth activities. As administrative overheads can reduce the resources available for technical cooperation, these should be reduced. National execution should be the preferred modality for the implementation of projects and programmes and, where required, developing countries should be assisted in improving their national capacities for project and programme formulation and execution.
- 137. Countries with economies in transition, when required, should also be assisted in improving their national capacities for project and programme formulation and execution.
- 138. The organization, on an inter-agency basis, of missions to review, assess and plan technical cooperation concerning youth, available on request to Governments, represents a specific contribution by the United Nations system to the implementation of the Programme of Action.
- 139. The United Nations Youth Fund represents a unique resource to support catalytic and innovative action concerning youth. Programme implementation can be furthered through the Fund's support, in both a technical and a financial sense, of pilot action, studies and technical exchanges on issues concerning youth that encourage the participation of youth in devising and carrying out projects and whose short time-frames often make it difficult to obtain needed support from conventional budgeting processes. The capacities of the Fund for innovative action are, however, limited in the light of Programme priorities, and interested Governments, non-governmental organizations and the private sector are invited to consider the possibility of

supporting the activities of the Fund on a predictable and sustained basis. To this end, the parties concerned may wish to consider the possibility of constituting an advisory body at an appropriate level to review the application of the terms of reference of the Fund and priorities and means of strengthening its capacities.

5. Outreach and partnership among specialized constituencies

- 140. A crucial element in implementing the Programme of Action is the recognition that governmental action alone is not sufficient to ensure its success, that rather it should be further complemented by the support of the international community. This process will also require both systematic outreach and partnership among the Programme's many constituencies in both the non-governmental and private sectors.
- 141. A critical first step is phased expansion and regularization of channels of communication between the United Nations and non-governmental youth organizations to include representatives of interested private sector organizations. This would build upon the provisions set forth in General Assembly resolution 45/103 of 14 December 1990 concerning the involvement of youth and non-governmental youth organizations in the formulation of the Programme of Action. Youth, youth-related organizations and interested private sector organizations are urged to identify, in partnership with Governments, ways in which they could contribute to action at the local level to implement the Programme, and to the periodic review, appraisal and formulation of options to achieve its goals and objectives.
- 142. Implementation of the Programme of Action offers important opportunities to expand technical and cultural exchanges among young people through new partnerships in both the public and private sectors; to identify and test improved ways to leverage public resources, in partnership with the nongovernmental and private sectors, to further Programme priorities; and to encourage and jointly plan innovative approaches to critical issues concerning youth.
- 143. Relevant voluntary organizations, particularly those concerned with education, employment, juvenile justice, youth development, health, hunger, ecology and the environment, and drug abuse, can further the implementation of the Programme of Action by encouraging the involvement of young people in programme planning and field activities. The Programme of Action can contribute to the work of such organizations because it provides a global policy framework for consultation and coordination.

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Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space

13 December 1963

The General Assembly,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as in the legal aspects of exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between nations and peoples,

Recalling its resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Taking into consideration its resolutions 1721 (XVI) of 20 December 1961 and 1802 (XVII) of 14 December 1962, adopted unanimously by the States Members of the United Nations,

Solemnly declares that in the exploration and use of outer space States should be guided by the following principles:

- 1. The exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind.
- 2. Outer space and celestial bodies are free for exploration and use by all States on a basis of equality and in accordance with international law.
- 3. Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.
- 4. The activities of States in the exploration and use of outer space shall be carried on in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.
- States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that

national activities are carried on in conformity with the principles set forth in the present Declaration. The activities of non-governmental entities in outer space shall require authorization and continuing supervision by the State concerned. When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it.

- 6. In the exploration and use of outer space States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States. If a State has reason to believe that an outer space activity or experiment planned by it or its nationals would cause potentially harmful interference with activities of other States in the peaceful exploration and use of outer space, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State which has reason to believe that an outer space activity or experiment planned by another State would cause potentially harmful interference with activities in the peaceful exploration and use of outer space may request consultation concerning the activity or experiment.
- 7. The State on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and any personnel thereon, while in outer space. Ownership of objects launched into outer space, and of their component parts, is not affected by their passage through outer space or by their return to the earth. Such objects or component parts found beyond the limits of the State of registry shall be returned to that State, which shall furnish identifying data upon request prior to return.
- 8. Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or juridical persons by such object or its component parts on the earth, in air space, or in outer space.
- 9. States shall regard astronauts as envoys of mankind in outer space, and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State or on the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle.

Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies

19 December 1966

The States Parties to this Treaty,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United Nations General Assembly on 13 December 1963,

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space.

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, will further the purposes and principles of the Charter of the United Nations,

Have agreed on the following:

Article I

The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the Moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article II

Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

Article III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the Moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding

Article IV

States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station weapons in outer space in any other manner.

The Moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the Moon and other celestial bodies shall also not be prohibited.

Article V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the Moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

Article VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the Moon

and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the Moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article VII

Each State Party to the Treaty that launches or procures launching of an object into outer space, including the Moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the Moon and other celestial bodies.

Article VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

Article IX

In the exploration and use of outer space, including the Moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the Moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, may request consultation concerning the activity or experiment.

Article X

In order to promote international co-operation in the exploration and use of outer space, including the Moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

Article XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the Moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

Article XII

All stations, installations, equipment and space vehicles on the Moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

Article XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the Moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of internal intergovernmental organizations.

Any practical questions arising in connexion with activities carried on by international intergovernmental organizations in the exploration and use of outer space, including the Moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

Article XIV

- 1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

- 3. This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.
- 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Treaty, the date of its entry into force and other notices.
- 6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XVII

This Treaty, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in ..., at the cities of London, Moscow and Washington, the ... day of ... one thousand nine hundred and

Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space

19 December 1967

The Contracting Parties,

Noting the great importance of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, which calls for the rendering of all possible assistance to astronauts in the event of accident, distress or emergency landing, the prompt and safe return of astronauts, and the return of objects launched into outer space,

Desiring to develop and give further concrete expression to these duties,

Wishing to promote international co-operation in the peaceful exploration and use of outer space,

Prompted by sentiments of humanity, Have agreed on the following:

Article 1

Each Contracting Party which receives information or discovers that the personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency or unintended landing in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State shall immediately:

- (a) Notify the launching authority or, if it cannot identify and immediately communicate with the launching authority, immediately make a public announcement by all appropriate means of communication at his disposal;
- (b) Notify the Secretary-General of the United Nations, who should disseminate the information without delay by all appropriate means of communication at his disposal.

Article 2

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party, it shall immediately take all possible steps to rescue them and render them all necessary assistance. It shall inform the launching authority and also the Secretary-General of the United Nations of the steps it is taking and of their progress. If assistance by the launching authority would help to effect a prompt rescue or could contribute substantially to the effectiveness of search and rescue operations, the launching authority shall co-operate with the Contracting Party with a view to the effective conduct of search and rescue operations. Such operations shall be subject to the direction and control of the Contracting Party, which shall act in close and continuing consultation with the launching authority.

Article 3

If information is received or it is discovered that the personnel of a spacecraft have alighted on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall, if necessary, extend assistance in search and rescue operations for such personnel to assure their speedy rescue. They shall inform the

launching authority and the Secretary-General of the United Nations of the steps they are taking and of their progress.

Article 4

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party or have been found on the high seas or in any other place not under the jurisdiction of any State, they shall be safely and promptly returned to representatives of the launching authority.

Article 5

- 1. Each Contracting Party which receives information or discovers that a space object or its component parts has returned to Earth in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State, shall notify the launching authority and the Secretary-General of the United Nations.
- 2. Each Contracting Party having jurisdiction over the territory on which a space object or its component parts has been discovered shall, upon the request of the launching authority and with assistance from that authority if requested, take such steps as it finds practicable to recover the object or component parts.
- 3. Upon request of the launching authority, objects launched into outer space or their component parts found beyond the territorial limits of the launching authority shall be returned to or held at the disposal of representatives of the launching authority, which shall, upon request, furnish identifying data prior to their return.
- 4. Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which has reason to believe that a space object or its component parts discovered in territory under its jurisdiction, or recovered by it elsewhere, is of a hazardous or deleterious nature may so notify the launching authority, which shall immediately take effective steps, under the direction and control of the said Contracting Party, to eliminate possible danger of harm.
- 5. Expenses incurred in fulfilling obligations to recover and return a space object or its component parts under paragraphs 2 and 3 of this article shall be borne by the launching authority.

Article 6

For the purposes of this Agreement, the term "launching authority" shall refer to the State responsible for launching, or, where an international intergovernmental organization is responsible for launching, that organization, provided that that organization declares its acceptance of the rights and obligations provided for in this Agreement and a majority of the States members of that organization are Contracting Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

- 1. This Agreement shall be open to all States for signature. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Agreement shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.
- 3. This Agreement shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Agreement.
- 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Agreement, the date of its entry into force and other notices.
- 6. This Agreement shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article 8

Any State Party to the Agreement may propose amendments to this Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article 9

Any State Party to the Agreement may give notice of its withdrawal from the Agreement one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article 10

This Agreement, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Agreement.

Convention on International Liability for Damage Caused by Space Objects

29 November 1971

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organizations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international cooperation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

Article I

For the purposes of this Convention:

- (a) The term "damage" means loss of life, personal injury, other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations;
 - (b) The term "launching" includes attempted launching;
 - (c) The term "launching State" means:
 - (i) A State which launches or procures the launching of a space object;
 - (ii) A State from whose territory or facility a space object is launched;
- (d) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II

A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

Article III

In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV

1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

- (a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;
- (b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.
- 2. In all cases of joint and several liability referred to in paragraph 1 of this article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault, if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V

- 1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.
- 2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.
- 3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI

- 1. Subject to the provisions of paragraph 2 of this article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.
- 2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII

The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

- (a) Nationals of that launching State;
- (b) Foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII

- 1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.
- 2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.
- 3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX

A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X

- 1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.
- 2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.
- 3. The time-limits specified in paragraphs 1 and 2 of this article shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI

1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII

The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII

Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV

If no settlement of a claim is arrived at through diplomatic negotiations as provided for in article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV

- 1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.
- 2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI

- 1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.
- Any vacancy which may arise in the Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.
 - 3. The Commission shall determine its own procedure.
- 4. The Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a singlemember Commission, all decisions and awards of the Commission shall be by majority vote.

Article XVII

No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII

The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX

- 1. The Claims Commission shall act in accordance with the provisions of article XII.
- 2. The decision of the Commission shall be final and binding if the parties have so agreed, otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.
- 3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment, unless an extension of this period is found necessary by the Commission.
- 4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX

The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI

If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this article shall affect the rights or obligations of the States Parties under this Convention.

Article XXII

1. In this Convention, with the exception of articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the

rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

- 2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.
- 3. If an international intergovernmental organization is liable for damage by virtue of the provisions of this Convention, that organization and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:
- (a) Any claim for compensation in respect of such damage , shall be first presented to the organization;
- (b) Only where the organization has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.
- 4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organization which has made a declaration in accordance with paragraph 1 of this article shall be presented by a State member of the organization which is a State Party to this Convention.

Article XXIII

- 1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States Parties to such agreements are concerned.
- 2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

Article XXIV

- 1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.
- 3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.
- 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.
- 6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XXV

Any State Party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

Article XXVI

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one third of the States Parties to the Convention and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

Article XXVII

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVIII

This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in triplicate, at the cities of London, Moscow and Washington, this . . . day of . . . , one thousand nine hundred and . . .

Convention on Registration of Objects launched into Outer Space

12 November 1974

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 27 January 1967 affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space of 22 April 1968 provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space found beyond the territorial limits of the launching authority,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects of 29 March 1972 establishes international rules and procedures concerning the liability of launching States for damage caused by their space objects,

Desiring, in the light of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, to make provision for the national registration by launching States of space objects launched into outer space,

Desiring further that a central register of objects launched into outer space be established and maintained, on a mandatory basis, by the Secretary-General of the United Nations,

Desiring also to provide for States Parties additional means and procedures to assist in the identification of space objects,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed on the following:

Article I

For the purposes of this Convention:

- (a) The term "launching State" means:
- A State which launches or procures the launching of a space object;
- (ii) A State from whose territory or facility a space object is launched:
- (b) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof;
- (c) The term "State of registry" means a launching State on whose registry a space object is carried in accordance with article II.

Article II

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

- 2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.
- The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

Article III

- 1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.
- There shall be full and open access to the information in this Register.

Article IV

- 1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:
 - (a) Name of launching State or States;
- (b) An appropriate designator of the space object or its registration number;
 - (c) Date and territory or location of launch;
 - (d) Basic orbital parameters, including:
 - (i) Nodal period,
 - (ii) Inclination,
 - (iii) Apogee,
 - (iv) Perigee;
 - (e) General function of the space object.
- 2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.
- 3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article V

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

Article VI

Where the application of the provisions of this Convention has not enabled a State Party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States Parties, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the Secretary-General on its behalf, for assistance under equitable and reasonable conditions in the identification of the object. A State Party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request. Arrangements under which such assistance shall be rendered shall be the subject of agreement between the parties concerned.

Article VII

- 1. In this Convention, with the exception of articles VIII to XII inclusive, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.
- 2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with paragraph 1 of this article.

Article VIII

- 1. This Convention shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.
- This Convention shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General of the United Nations.

- 4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

Article IX

Any State Party to this Convention may propose amendments to the Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

Article X

Ten years after the entry into force of this Convention, the question of the review of the Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, at the request of one third of the States Parties to the Convention and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention. Such review shall take into account in particular any relevant technological developments, including those relating to the identification of space objects.

Article XI

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XII

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 14 January 1975.

Agreement Governing the Activities of States on the Moon and Other Celestial Bodies

5 December 1979

The States Parties to this Agreement,

Noting the achievements of States in the exploration and use of the moon and other celestial bodies,

Recognizing that the moon, as a natural satellite of the earth, has an important role to play in the exploration of outer space,

Determined to promote on the basis of equality the further development of co-operation among States in the exploration and use of the moon and other celestial bodies,

Desiring to prevent the moon from becoming an area of international conflict,

Bearing in mind the benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, the Convention on International Liability for Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into Outer Space,

Taking into account the need to define and develop the provisions of these international instruments in relation to the moon and other celestial bodies, having regard to further progress in the exploration and use of outer space,

Have agreed on the following:

Article 1

- 1. The provisions of this Agreement relating to the moon shall also apply to other celestial bodies within the solar system, other than the earth, except in so far as specific legal norms enter into force with respect to any of these celestial bodies.
- 2. For the purposes of this Agreement reference to the moon shall include orbits around or other trajectories to or around it.
- 3. This Agreement does not apply to extraterrestrial materials which reach the surface of the earth by natural means.

Article 2

All activities on the moon, including its exploration and use, shall be carried out in accordance with international law, in particular the Charter of the United Nations, and taking into account the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interest of maintaining international peace and security and promoting international co-operation and mutual understanding, and with due regard to the corresponding interests of all other States Parties.

Article 3

- 1. The moon shall be used by all States Parties exclusively for peaceful purposes.
- 2. Any threat or use of force or any other hostile act or threat of hostile act on the moon is prohibited. It is likewise prohibited to use the moon in order to commit any such act or to engage in any such threat in relation to the earth, the moon, spacecraft, the personnel of spacecraft or man-made space objects.
- 3. States Parties shall not place in orbit around or other trajectory to or around the moon objects carrying nuclear weapons or any other kinds of weapons of mass destruction or place or use such weapons on or in the moon.
- 4. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on the moon shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration and use of the moon shall also not be prohibited.

Article 4

- 1. The exploration and use of the moon shall be the province of all mankind and shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development. Due regard shall be paid to the interests of present and future generations as well as to the need to promote higher standards of living and conditions of economic and social progress and development in accordance with the Charter of the United Nations.
- 2. States Parties shall be guided by the principle of co-operation and mutual assistance in all their activities concerning the exploration and use of the moon. International co-operation in pursuance of this Agreement should be as wide as possible and may take place on a multilateral basis, on a bilateral basis or through international intergovernmental organizations.

Article 5

- 1. States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of their activities concerned with the exploration and use of the moon. Information on the time, purposes, locations, orbital parameters and duration shall be given in respect of each mission to the moon as soon as possible after launching, while information on the results of each mission, including scientific results, shall be furnished upon completion of the mission. In the case of a mission lasting more than sixty days, information on conduct of the mission, including any scientific results, shall be given periodically, at thirty-day intervals. For missions lasting more than six months, only significant additions to such information need be reported thereafter.
- 2. If a State Party becomes aware that another State Party plans to operate simultaneously in the same area of or in the

same orbit around or trajectory to or around the moon, it shall promptly inform the other State of the timing of and plans for its own operations.

3. In carrying out activities under this Agreement, States Parties shall promptly inform the Secretary-General, as well as the public and the international scientific community, of any phenomena they discover in outer space, including the moon, which could endanger human life or health, as well as of any indication of organic life.

Article 6

- There shall be freedom of scientific investigation on the moon by all States Parties without discrimination of any kind on the basis of equality and in accordance with international law.
- 2. In carrying out scientific investigations and in furtherance of the provisions of this Agreement, the States Parties shall have the right to collect on and remove from the moon samples of its mineral and other substances. Such samples shall remain at the disposal of those States Parties which caused them to be collected and may be used by them for scientific purposes. States Parties shall have regard to the desirability of making a portion of such samples available to other interested States Parties and the international scientific community for scientific investigation. States Parties may in the course of scientific investigations also use mineral and other substances of the moon in quantities appropriate for the support of their missions.
- States Parties agree on the desirability of exchanging scientific and other personnel on expeditions to or installations on the moon to the greatest extent feasible and practicable.

Article 7

- 1. In exploring and using the moon, States Parties shall take measures to prevent the disruption of the existing balance of its environment, whether by introducing adverse changes in that environment, by its harmful contamination through the introduction of extra-environmental matter or otherwise. States Parties shall also take measures to avoid harmfully affecting the environment of the earth through the introduction of extrater-restrial matter or otherwise.
- 2. States Parties shall inform the Secretary-General of the United Nations of the measures being adopted by them in accordance with paragraph 1 of this article and shall also, to the maximum extent feasible, notify him in advance of all placements by them of radio-active materials on the moon and of the purposes of such placements.
- 3. States Parties shall report to other States Parties and to the Secretary-General concerning areas of the moon having special scientific interest in order that, without prejudice to the rights of other States Parties, consideration may be given to the designation of such areas as international scientific preserves for which special protective arrangements are to be agreed upon in consultation with the competent bodies of the United Nations.

Article 8

- 1. States Parties may pursue their activities in the exploration and use of the moon anywhere on or below its surface, subject to the provisions of this Agreement.
 - 2. For these purposes States Parties may, in particular:

- (a) Land their space objects on the moon and launch them from the moon;
- (b) Place their personnel, space vehicles, equipment, facilities, stations and installations anywhere on or below the surface of the moon.

Personnel, space vehicles, equipment, facilities, stations and installations may move or be moved freely over or below the surface of the moon.

3. Activities of States Parties in accordance with paragraphs 1 and 2 of this article shall not interfere with the activities of other States Parties on the moon. Where such interference may occur, the States Parties concerned shall undertake consultations in accordance with article 15, paragraphs 2 and 3, of this Agreement.

Article 9

- 1. States Parties may establish manned and unmanned stations on the moon. A State Party establishing a station shall use only that area which is required for the needs of the station and shall immediately inform the Secretary-General of the United Nations of the location and purposes of that station. Subsequently, at annual intervals that State shall likewise inform the Secretary-General whether the station continues in use and whether its purposes have changed.
- 2. Stations shall be installed in such a manner that they do not impede the free access to all areas of the moon of personnel, vehicles and equipment of other States Parties conducting activities on the moon in accordance with the provisions of this Agreement or of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article 10

- 1. States Parties shall adopt all practicable measures to safeguard the life and health of persons on the moon. For this purpose they shall regard any person on the moon as an astronaut within the meaning of article V of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and as part of the personnel of a spacecraft within the meaning of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.
- 2. States Parties shall offer shelter in their stations, installations, vehicles and other facilities to persons in distress on the moon.

Article 11

- 1. The moon and its natural resources are the common heritage of mankind, which finds its expression in the provisions of this Agreement, in particular in paragraph 5 of this article.
- 2. The moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means.
- 3. Neither the surface nor the subsurface of the moon, nor any part thereof or natural resources in place, shall become property of any State, international intergovernmental or non-governmental organization, national organization or non-governmental entity or of any natural person. The placement of personnel, space vehicles, equipment, facilities, stations and

installations on or below the surface of the moon, including structures connected with its surface or subsurface, shall not create a right of ownership over the surface or the subsurface of the moon or any areas thereof. The foregoing provisions are without prejudice to the international regime referred to in paragraph 5 of this article.

- 4. States Parties have the right to exploration and use of the moon without discrimination of any kind, on the basis of equality and in accordance with international law and the provisions of this Agreement.
- 5. States Parties to this Agreement hereby undertake to establish an international regime, including appropriate procedures, to govern the exploitation of the natural resources of the moon as such exploitation is about to become feasible. This provision shall be implemented in accordance with article 18 of this Agreement.
- 6. In order to facilitate the establishment of the international regime referred to in paragraph 5 of this article, States Parties shall inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of any natural resources they may discover on the moon.
- 7. The main purposes of the international regime to be established shall include:
- (a) The orderly and safe development of the natural resources of the moon;
 - (b) The rational management of those resources;
- (c) The expansion of opportunities in the use of those resources:
- (d) An equitable sharing by all States Parties in the benefits derived from those resources, whereby the interests and needs of the developing countries, as well as the efforts of those countries which have contributed either directly or indirectly to the exploration of the moon, shall be given special consideration.
- 8. All the activities with respect to the natural resources of the moon shall be carried out in a manner compatible with the purposes specified in paragraph 7 of this article and the provisions of article 6, paragraph 2, of this Agreement.

Article 12

- 1. States Parties shall retain jurisdiction and control over their personnel, space vehicles, equipment, facilities, stations and installations on the moon. The ownership of space vehicles, equipment, facilities, stations and installations shall not be affected by their presence on the moon.
- 2. Vehicles, installations and equipment or their component parts found in places other than their intended location shall be dealt with in accordance with article 5 of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space.
- 3. In the event of an emergency involving a threat to human life, States Parties may use the equipment, vehicles, installations, facilities or supplies of other States Parties on the moon. Prompt notification of such use shall be made to the Secretary-General of the United Nations or the State Party concerned.

Article 13

A State Party which learns of the crash landing, forced landing or other unintended landing on the moon of a space object, or its component parts, that were not launched by it shall promptly inform the launching State Party and the Secretary-General of the United Nations.

Article 14

- 1. States Parties to this Agreement shall bear international responsibility for national activities on the moon, whether such activities are carried out by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions of this Agreement. States Parties shall ensure that non-governmental entities under their jurisdiction shall engage in activities on the moon only under the authority and continuing supervision of the appropriate State Party.
- 2. States Parties recognize that detailed arrangements concerning liability for damage caused on the moon, in addition to the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the Convention on International Liability for Damage Caused by Space Objects, may become necessary as a result of more extensive activities on the moon. Any such arrangements shall be elaborated in accordance with the procedure provided for in article 18 of this Agreement.

Article 15

- 1. Each State Party may assure itself that the activities of other States Parties in the exploration and use of the moon are compatible with the provisions of this Agreement. To this end, all space vehicles, equipment, facilities, stations and installations on the moon shall be open to other States Parties. Such States Parties shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited. In pursuance of this article, any State Party may act on its own behalf or with the full or partial assistance of any other State Party or through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.
- 2. A State Party which has reason to believe that another State Party is not fulfilling the obligations incumbent upon it pursuant to this Agreement or that another State Party is interfering with the rights which the former State has under this agreement may request consultations with that State Party. A State Party receiving such a request shall enter into such consultations without delay. Any other State Party which requests to do so shall be entitled to take part in the consultations. Each State Party participating in such consultations shall seek a, mutually acceptable resolution of any controversy and shall bear in mind the rights and interests of all States Parties. The Secretary-General of the United Nations shall be informed of the results of the consultations and shall transmit the information received to all States Parties concerned.
- If the consultations do not lead to a mutually acceptable settlement which has due regard for the rights and interests of all States Parties, the parties concerned shall take all measures

to settle the dispute by other peaceful means of their choice appropriate to the circumstances and the nature of the dispute. If difficulties arise in connexion with the opening of consultations or if consultations do not lead to a mutually acceptable settlement, any State Party may seek the assistance of the Secretary-General, without seeking the consent of any other State Party concerned, in order to resolve the controversy. A State Party which does not maintain diplomatic relations with another State Party concerned shall participate in such consultations, at its choice, either itself or through another State Party or the Secretary-General as intermediary.

Article 16

With the exception of articles 17 to 21, references in this Agreement to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Agreement and if a majority of the States members of the organization are States Parties to this Agreement and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. States members of any such organization which are States Parties to this Agreement shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the provisions of this article.

Article 17

Any State Party to this Agreement may propose amendments to the Agreement. Amendments shall enter into force for each State Party to the Agreement accepting the amendments upon their acceptance by a majority of the States Parties to the Agreement and thereafter for each remaining State Party to the Agreement on the date of acceptance by it.

Article 18

Ten years after the entry into force of this Agreement, the question of the review of the Agreement shall be included in the provisional agenda of the General Assembly of the United Nations in order to consider, in the light of past application of the Agreement, whether it requires revision. However, at any time after the Agreement has been in force for five years, the Secretary-General of the United Nations, as depository, shall, at the request of one third of the States Parties to the Agreement and with the concurrence of the majority of the States Parties,

convene a conference of the States Parties to review this Agreement. A review conference shall also consider the question of the implementation of the provisions of article 11, paragraph 5, on the basis of the principle referred to in paragraph 1 of that article and taking into account in particular any relevant technological developments.

Article 19

- 1. This Agreement shall be open for signature by all States at United Nations Headquarters in New York.
- 2. This Agreement shall be subject to ratification by signatory States. Any State which does not sign this Agreement before its entry into force in accordance with paragraph 3 of this article may accede to it at any time. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
- 3. This Agreement shall enter into force on the thirtieth day following the date of deposit of the fifth instrument of ratification.
- 4. For each State depositing its instrument of ratification or accession after the entry into force of this Agreement, it shall enter into force on the thirtieth day following the date of deposit of any such instrument.
- 5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Agreement, the date of its entry into force and other notices.

Article 20

Any State Party to this Agreement may give notice of its withdrawal from the Agreement one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article 21

The original of this Agreement, of which the Arabic, Chinese English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement, opened for signature at New York on

Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting

10 December 1982

A. Purposes and objectives

- 1. Activities in the field of international direct television broadcasting by satellite should be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention, as well as with the right of everyone to seek, receive and impart information and ideas as enshrined in the relevant United Nations instruments.
- 2. Such activities should promote the free dissemination and mutual exchange of information and knowledge in cultural and scientific fields, assist in educational, social and economic development, particularly in the developing countries, enhance the qualities of life of all peoples and provide recreation with due respect to the political and cultural integrity of States.
- 3. These activities should accordingly be carried out in a manner compatible with the development of mutual understanding and the strengthening of friendly relations and cooperation among all States and peoples in the interest of maintaining international peace and security.

B. Applicability of international law

4. Activities in the field of international direct television broadcasting by satellite should be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, the relevant provisions of the International Telecommunication Convention and its Radio Regulations and of international instruments relating to friendly relations and co-operation among States and to human rights.

C. Rights and benefits

5. Every State has an equal right to conduct activities in the field of international direct television broadcasting by satellite and to authorize such activities by persons and entities under its jurisdiction. All States and peoples are entitled to and should enjoy the benefits from such activities. Access to the technology in this field should be available to all States without discrimination on terms mutually agreed by all concerned.

D. International co-operation

6. Activities in the field of international direct television broadcasting by satellite should be based upon and encourage international co-operation. Such co-operation should be the subject of appropriate arrangements. Special consideration should be given to the needs of the developing countries in the use of international direct television broadcasting by satellite for the purpose of accelerating their national development.

E. Peaceful settlement of disputes

Any international dispute that may arise from activities covered by these principles should be settled through established procedures for the peaceful settlement of disputes agreed upon by the parties to the dispute in accordance with the provisions of the Charter of the United Nations.

F. State responsibility

- 8. States should bear international responsibility for activities in the field of international direct television broadcasting by satellite carried out by them or under their jurisdiction and for the conformity of any such activities with the principles set forth in this document.
- 9. When international direct television broadcasting by satellite is carried out by an international intergovernmental organization, the responsibility referred to in paragraph 8 above should be borne both by that organization and by the States participating in it.

G. Duty and right to consult

10. Any broadcasting or receiving State within an international direct television broadcasting satellite service established between them requested do so by any other broadcasting or receiving State within the same service should promptly enter into consultations with the requesting State regarding its activities in the field of international direct television broadcasting by satellite, without prejudice to other consultations which these States may undertake with any other State on that subject.

H. Copyright and neighbouring rights

11. Without prejudice to the relevant provisions of international law, States should co-operate on a bilateral and multilateral basis for protection of copyright and neighbouring rights by means of appropriate agreements between the interested States or the competent legal entities acting under their jurisdiction. In such co-operation they should give special consideration to the interests of developing countries in the use of direct television broadcasting for the purpose of accelerating their national development.

I. Notification to the United Nations

12. In order to promote international co-operation in the peaceful exploration and use of outer space, States conducting or authorizing activities the field of international direct television broadcasting by satellite should inform the Secretary-General of the United Nations, to the greatest extent possible, of the nature of such activities. On receiving this information, the Secretary-General should disseminate it immediately and effectively to the relevant specialized agencies, as well as to the public and the international scientific community.

J. Consultations and agreements between States

13. A State which intends to establish or authorize the establishment of an international direct television broadcasting satellite service shall without delay notify the proposed receiving

State or States of such intention and shall promptly enter into consultation with any of those States which so requests.

14. An international direct television broadcasting satellite service shall only be established after the conditions set forth in paragraph 13 above have been met and on the basis of agreements and/or arrangements in conformity with the relevant

instruments of the International Telecommunication Union and in accordance with these principles.

15. With respect to the unavoidable overspill of the radiation of the satellite signal, the relevant instruments of the International Telecommunication Union shall be exclusively applicable.

Principles Relating to Remote Sensing of the Earth from Outer Space

3 December 1986

Principle I

For the purposes of these principles with respect to remote sensing activities:

- (a) The term "remote sensing" means the sensing of the Earth's surface from space by making use of the properties of electromagnetic waves emitted, reflected or diffracted by the sensed objects, for the purpose of improving natural resources management, land use and the protection of the environment;
- (b) The term "primary data" means those raw data that are acquired by remote sensors borne by a space object and that are transmitted or delivered to the ground from space by telemetry in the form of electromagnetic signals, by photographic film, magnetic tape or any other means;
- (c) The term "processed data" means the products resulting from the processing of the primary data, needed in order to make such data usable;
- (d) The term "analysed information" means the information resulting from the interpretation of processed data, inputs of data and knowledge from other sources;
- (e) The term "remote sensing activities" means the operation of remote sensing space systems, primary data collection and storage stations, and activities in processing, interpreting and disseminating the processed data.

Principle II

Remote sensing activities shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic, social or scientific and technological development, and taking into particular consideration the needs of the developing countries.

Principle III

Remote sensing activities shall be conducted in accordance with international law, including the Charter of the United Nations, the Treaty on Principles Governing the Activities of States in the Exptoration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the relevant instruments of the International Telecommunication Union.

Principle IV

Remote sensing activities shall be conducted in accordance with the principles contained in article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, which, in particular, provides that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and stipulates the principle of freedom of exploration and use of outer space on a basis of equality. These activities shall be conducted on the basis of respect for the principle of full and permanent sovereigncy of all States and peoples over their own wealth and natural resources, with due regard to the rights and interests, in accordance with international law, of other States and entities under their jurisdiction.

Such activities shall not be conducted in a manner detrimental to the legitimate rights and interests of the sensed State.

Principle V

States carrying out remote sensing activities shall promote international cooperation in these activities. To this end, they shall make available to other States opportunities for participation therein. Such participation shall be based in each case on equitable and mutually acceptable terms.

Principle VI

In order to maximize the availability of benefits from remote sensing activities, States are encouraged through agreements or other arrangements to provide for the establishment and operation of data collecting and storage stations and processing and interpretation facilities, in particular within the framework of regional agreements or arrangements wherever feasible.

Principle VII

States participating in remote sensing activities shall make available technical assistance to other interested States on mutually agreed terms.

Principle VIII

The United Nations and the relevant agencies within the United Nations system shall promote international co-operation, including technical assistance and co-ordination in the area of remote sensing.

Principle IX

In accordance with article IV of the Convention on Registration of Objects Launched into Outer Space and article XI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, a State carrying out a programme of remote sensing shall inform the Secretary-General of the United Nations. It shall, moreover, make available any other relevant information to the greatest extent feasible and practicable to any other State, particularly any developing country that is affected by the programme, at its request.

Principle X

Remote sensing shall promote the protection of the Earth's natural environment.

To this end, States participating in remote sensing activities that have identified information in their possession that is capable of averting any phenomenon harmful to the Earth's natural environment shall disclose such information to States concerned.

Principle XI

Remote sensing shall promote the protection of mankind from natural disasters.

To this end, States participating in remote sensing activities that have identified processed data and analysed information in their possession that may be useful to States affected by natural disasters, or likely to be affected by impending natural disasters. shall transmit such data and information to States concerned as promptly as possible.

Principle XII

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

Principle XIII

To promote and intensify international co-operation, especially with regard to the needs of developing countries, a State carrying out remote sensing of the Earth from outer space shall, upon request, enter into consultations with a State whose territory is sensed in order to make available opportunities for

participation and enhance the mutual benefits to be derived therefrom.

Principle XIV

In compliance with article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, States operating remote sensing satellites shall bear international responsibility for their activities and assure that such activities are conducted in accordance with these principles and the norms of international law, irrespective of whether such activities are carried out by governmental or non-governmental entities or through international organizations to which such States are parties. This principle is without prejudice to the applicability of the norms of international law on State responsibility for remote sensing activities.

Principle XV

Any dispute resulting from the application of these principles shall be solved through the established procedures for the peaceful settlement of disputes.

Principles Relevant to the Use of Nuclear Power Sources in Outer Space

14 December 1992

· Principle 1. Applicability of international law

Activities involving the use of nuclear power sources in outer space shall be carried out in accordance with international law, including in particular the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Spice, including the Moon and Other Celestial Bodies.

Principle 2. Use of terms

- 1. For the purpose of these Principles, the terms "launching State" and "State launching" mean the State which exercises jurisdiction and control over a space object with nuclear power sources on board at a given point in time relevant to the principle concerned.
- 2. For the purpose of principle 9, the definition of the term "launching State" as contained in that principle is applicable.
- 3. For the purposes of principle 3, the terms "foreseeable" and "all possible" describe a class of events or circumstances whose overall probability of occurrence is such that it is considered to encompass only credible possibilities for purposes of safety analysis. The term "general concept of defence-in-depth" when applied to nuclear power sources in outer space refers to the use of design features and mission operations in place of or in addition to active systems, to prevent or misigate the consequences of system malfunctions. Redundant safety systems are not necessarily required for each individual component to achieve this purpose. Given the special requirements of space use and of varied missions, no particular set of systems or features can be specified as essential to achieve this objective. For the purposes of paragraph 2 (d) of principle 3, the term "made critical" does not include actions such as zero-power testing which are fundamental to ensuring system safety.

Principle 3. Guidelines and criteria for safe use

In order to minimize the quantity of radioactive material in space and the risks involved, the use of nuclear power sources in outer space shall be restricted to those space missions which cannot be operated by non-nuclear energy sources in a reasonable way.

1. General goals for radiation protection and nuclear safety

(a) States launching space objects with nuclear power sources on board shall endeavour to protect individuals, populations and the biosphere against radiological hazards. The design and use of space objects with nuclear power sources on board shall ensure, with a high degree of confidence, that the hazards, in foreseeable operational or accidental circumstances, are kept below acceptable levels as defined in paragraphs 1 (b) and (c).

Such design and use shall also ensure with high reliability that radioactive material does not cause a significant contamination of outer space.

(b) During the normal operation of space objects with nuclear power sources on board, including re-entry from the sufficiently high orbit as defined in paragraph 2 (b), the appro-

priate radiation protection objective for the public recommended by the International Commission on Radiological Protection shall be observed. During such normal operation there shall be no significant radiation exposure.

(c) To limit exposure in accidents, the design and construction of the nuclear power source systems shall take into account relevant and generally accepted international radiological protection guidelines.

Except in cases of low-probability accidents with potentially serious radiological consequences, the design for the nuclear power source systems shall, with a high degree of confidence, restrict radiation exposure to a limited geographical region and to individuals to the principal limit of 1 mSv in a year. It is permissible to use a subsidiary dose limit of 5 mSv in a year for some years, provided that the average annual effective dose equivalent over a lifetime does not exceed the principal limit of 1 mSv in a year.

The probability of accidents with potentially serious radiological consequences referred to above shall be kept extremely small by virtue of the design of the system.

Future modifications of the guidelines referred to in this paragraph shall be applied as soon as practicable.

(d) Systems important for safety shall be designed, constructed and operated in accordance with the general concept of defence-in-depth. Pursuant to this concept, foreseeable safety-related failures or malfunctions must be capable of being corrected or counteracted by an action or a procedure, possibly automatic.

The reliability of systems important for safety shall be ensured, *inter alia*, by redundancy, physical separation, functional isolation and adequate independence of their components.

Other measures shall also be taken to raise the level of safety.

2. Nuclear reactors

- (a) Nuclear reactors may be operated:
- (i) On interplanetary missions;
- (ii) In sufficiently high orbits as defined in paragraph2 (b);
- (iii) In low-Earth orbits if they are stored in sufficiently high orbits after the operational part of their mission.
- (b) The sufficiently high orbit is one in which the orbital lifetime is long enough to allow for a sufficient decay of the fission products to approximately the activity of the actinides. The sufficiently high orbit must be such that the risks to existing and future outer-space missions and of collision with other space objects are kept to a minimum. The necessity for the parts of a destroyed reactor also to attain the required decay time before re-entering the Earth's atmosphere shall be considered in determining the sufficiently high orbit altitude.
- (c) Nuclear reactors shall use only highly enriched uranium 235 as fuel. The design shall take into account the radioactive decay of the fission and activation products.

- (d) Nuclear reactors shall not be made critical before they have reached their operating orbit or interplanetary trajectory.
- (e) The design and construction of the nuclear reactor shall ensure that it cannot become critical before reaching the operating orbit during all possible events, including rocket explosion, re-entry, impact on ground or water, submersion in water or water intruding into the core.
- (f) In order to reduce significantly the possibility of failures in satellites with nuclear reactors on board during operations in an orbit with a lifetime less than in the sufficiently high orbit (including operations for transfer into the sufficiently high orbit), there shall be a highly reliable operational system to ensure an effective and controlled disposal of the reactor.

3. Radioisotope generators

- (a) Radioisotope generators may be used for interplanetary missions and other missions leaving the gravity field of the Earth. They may also be used in Earth orbit if, after conclusion of the operational part of their mission, they are stored in a high orbit. In any case ultimate disposal is necessary.
- (b) Radioisotope generators shall be protected by a containment system that is designed and constructed to withstand the heat and aerodynamic forces of re-entry in the upper atmosphere under foreseeable orbital conditions, including highly elliptical or hyperbolic orbits where relevant. Upon impact, the containment system and the physical form of the isotope shall ensure that no radioactive material is scattered into the environment so that the impact area can be completely cleared of radioactivity by a recovery operation.

Principle 4. Safety assessment

- 1. A launching State as defined in principle 2, paragraph 1, at the time of launch shall, prior to the launch, through cooperative arrangements, where relevant, with those which have designed, constructed or manufactured the nuclear power source, or will operate the space object, or from whose territory or facility such an object will be launched, ensure that a thorough and comprehensive safety assessment is conducted. This assessment shall cover as well all relevant phases of the mission and shall deal with all systems involved, including the means of launching, the space platform, the nuclear power source and its equipment and the means of control and communication between ground and space.
- 2. This assessment shall respect the guidelines and criteria for safe use contained in principle 3.
- 3. Pursuant to article XI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, the results of this safety assessment, together with, to the extent feasible, an indication of the approximate intended time-frame of the launch, shall be made publicly available prior to each launch, and the Secretary-General of the United Nations shall be informed on how States may obtain such results of the safety assessment as soon as possible prior to each launch.

Principle 5. Notification of re-entry

 Any State launching a space object with nuclear power sources on board shall in a timely fashion inform States concerned in the event this space object is malfunctioning with a risk of re-entry of radioactive materials to the Earth. The information shall be in accordance with the following format:

- (a) System parameters:
- (i) Name of launching State or States, including the address of the authority which may be contacted for additional information or assistance in case of accident;
- (ii) International designation;
- (iii) Date and territory or location of launch;
- (iv) Information required for best prediction of orbit lifetime, trajectory and impact region;
- (v) General function of spacecraft;
- (b) Information on the radiological risk of nuclear power source(s):
- (i) Type of nuclear power source: radioisotopic/reactor;
- (ii) The probable physical form, amount and general radiological characteristics of the fuel and contaminated and/or activated components likely to reach the ground. The term "fuel" refers to the nuclear material used as the source of heat or power.

This information shall also be transmitted to the Secretary-General of the United Nations.

- 2. The information, in accordance with the format above, shall be provided by the launching State as soon the malfunction has become known. It shall be updated as frequently as practicable and the frequency of dissemination of the updated information shall increase the anticipated time of re-entry into the dense layers of the Earth's atmosphere approaches so that the international community will be informed of the situation and will have sufficient time to plan for any national response activities deemed necessary.
- 3. The updated information shall also be transmitted to the Secretary-General of the United Nations with the same frequency.

Principle 6. Consultations

States providing information in accordance with principle 5 shall, as far as reasonably practicable, respond promptly to requests for further information or consultations sought by other States.

Principle 7. Assistance to States

- 1. Upon the notification of an expected re-entry into Earth's atmosphere of a space object containing a nuclear power source on board and its components, all States possessing space monitoring and tracking facilities, in the spirit of international cooperation, shall communicate the relevant information that they may have available on the malfunctioning space object with nuclear power source on board to the Secretary-General of the United Nations and the State concerned as promptly as possible to allow States that might be affected to assess the situation and take any precautionary measures deemed necessary.
- 2. After re-entry into the Earth's atmosphere of a space object containing a nuclear power source on board and its components:
- (a) The launching State shall promptly offer and, if requested by the affected State, provide promptly the necessary assistance to eliminate actual and possible harmful effects,

including assistance to identify the location of the area of impact of the nuclear power source on the Earth's surface, to detect the re-entered material and to carry out retrieval or clean-up operations;

(b) All States, other than the launching State, with relevant technical capabilities and international organizations with such technical capabilities shall, to the extent possible, provide necessary assistance upon request by an affected State.

In providing the assistance in accordance with paragraphs (a) and (b) above, the special needs of developing countries shall be taken into account.

Principle 8. Responsibility

In accordance with article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, States shall bear international responsibility for national activities involving the use of nuclear power sources in outer space, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that such national activities are carried out in conformity with that Treaty and the recommendations contained in these Principles. When activities in outer space involving the use of nuclear power sources are carried on by an international organization, responsibility for compliance with the aforesaid Treaty and the recommendations contained in these Principles shall be borne both by the international organization and by the States participating in it.

Principle 9. Liability and compensation

1. In accordance with article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the provisions of the Convention on International

Liability for Damage Caused by Space Objects, each State which launches or procures the launching of a space object and each State from whose territory or facility a space object is launched shall be internationally liable for damage caused by such space objects or their component parts. This fully applies to the case of such a space object carrying a nuclear power source on board. Whenever two or more States jointly launch such a space object, they shall be jointly and severally liable for any damage caused, in accordance with article V of the above-mentioned Convention.

- 2. The compensation that such States shall be liable to pay under the aforesaid Convention for damage shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf a claim is presented to the condition which would have existed if the damage had not occurred.
- 3. For the purposes of this principle, compensation shall include reimbursement of the duly substantiated expenses for search, recovery and clean-up operations, including expenses for assistance received from third parties.

Principle 10. Settlement of disputes

Any dispute resulting from the application of these Principles shall be resolved through negotiations or other established procedures for the peaceful settlement of disputes, in accordance with the Charter of the United Nations.

Principle 11. Review and revision

These Principles shall be reopened for revision by the Committee on the Peaceful Uses of Outer Space no later than two years after their adoption.

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Convention on the International Right of Correction

16 December 1952

Preamble

The Contracting States,

Desiring to implement the right of their peoples to be fully and reliably informed,

Desiring to improve understanding between their peoples through the free flow of information and opinion,

Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression,

Considering the danger to the maintenance of friendly relations between peoples and to the preservation of peace, arising from the publication of inaccurate reports,

Considering that at its second regular session the General Assembly of the United Nations recommended the adoption of measures designed to combat the dissemination of false or distorted reports likely to injure friendly relations between States.

Considering, however, that it is not at present practicable to institute, on the international level, a procedure for verifying the accuracy of a report which might lead to the imposition of penalties for the publication of false or distorted reports,

Considering, moreover, that to prevent the publication of reports of this nature or to reduce their pernicious effects, it is above all necessary to promote a wide circulation of news and to heighten the sense of responsibility of those regularly engaged in the dissemination of news,

Considering that an effective means to these ends is to give States directly affected by a report, which they consider false or distorted and which is disseminated by an information agency, the possibility of securing commensurate publicity for their corrections,

Considering that the legislation of certain States does not provide for a right of correction of which foreign governments may avail themselves, and that it is therefore desirable to institute such a right on the international level, and

Having resolved to conclude a Convention for these purposes,

Have agreed as follows:

Article I

For the purposes of the present Convention:

- 1. "News dispatch" means news material transmitted in writing or by means of telecommunications, in the form customarily employed by information agencies in transmitting such news material, before publication, to newspapers, news periodicals and broadcasting organizations.
- 2. "Information agency" means a Press, broadcasting, film, television or facsimile organization, public or private, regularly engaged in the collection and dissemination of news material, created and organized under the laws and regulations of the Contracting State in which the central organization is

domiciled and which, in each Contracting State where it operates, functions under the laws and regulations of that State.

3. "Correspondent" means a national of a Contracting State or an individual employed by an information agency of a contracting State, who in either case is regularly engaged in the collection and the reporting of news material, and who when outside his State is identified as a correspondent by a valid passport or by a similar document internationally acceptable.

Article II

1. Recognizing that the professional responsibility of correspondents and information agencies requires them to report without discrimination and in their proper context and thereby to promote respect for human rights and fundamental freedoms, to further international understanding and cooperation and to contribute to the maintenance of international peace and security,

Considering also that, as a matter of professional ethics, all correspondents and information agencies should, in the case of news dispatches transmitted or published by them and which have been demonstrated to be false or distorted, follow the customary practice of transmitting through the same channels, or of publishing, corrections of such dispatches,

The Contracting States agree that in cases where a Contracting State contends that a news dispatch capable of injuring its relations with other States or its national prestige or dignity transmitted from one country to another by correspondents or information agencies of a Contracting or non-Contracting State and published or disseminated abroad is false or distorted, it may submit its version of the facts (hereinafter called "communiqué") to the Contracting States within whose territories such dispatch has been published or disseminated. A copy of the communiqué shall be forwarded at the same time to the correspondent or information agency concerned to enable that correspondent or information agency to correct the news dispatch in question.

2. A communiqué may be issued only with respect to news dispatches and must be without comment or expression of opinion. It should not be longer than is necessary to correct the alleged inaccuracy or distortion and must be accompanied by a verbatim text of the dispatch as published or disseminated, and by evidence that the dispatch has been transmitted from abroad by a correspondent or an information agency.

Article III

- 1. With the least possible delay and in any case not later than five clear days from the date of receiving a communiqué transmitted in accordance with provisions of article II, a Contracting State, whatever be its opinion concerning the facts in question, shall:
- (a) Release the communiqué to the correspondents and information agencies operating in its territory through the channels customarily used for the release of news concerning international affairs for publication; and

- (b) Transmit the communiqué to the headquarters of the information agency whose correspondent was responsible for originating the dispatch in question, if such headquarters are within its territory.
- 2. In the event that a Contracting State does not discharge its obligation under this article with respect to the communiqué of another Contracting State, the latter may accord, on the basis of reciprocity, similar treatment to a communiqué thereafter submitted to it by the defaulting State.

Article IV

- 1. If any of the Contracting States to which a communiqué has been transmitted in accordance with article II fails to fulfil, within the prescribed time-limit, the obligations laid down in article III, the Contracting State exercising the right of correction may submit the said communiqué, together with a verbatim text of the dispatch as published or disseminated, to the Secretary-General of the United Nations and shall at the same time notify the State complained against that it is doing so. The latter State may, within five clear days after receiving such notice, submit its comments to the Secretary-General, which shall relate only to the allegation that it has not discharged its obligations under article III.
- 2. The Secretary-General shall in any event, within ten clear days after receiving the communiqué, give appropriate publicity through the information channels at his disposal to the communiqué, together with the dispatch and the comments, if any, submitted to him by the State complained against.

Article V

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article VI

- 1. The present Convention shall be open for signature to all States Members of the United Nations, to every State invited to the United Nations Conference on Freedom of Information held at Geneva in 1948, and to every other State which the General Assembly may, by resolution, declare to be eligible.
- 2. The present Convention shall be ratified by the States signatory hereto in conformity with their respective constitutional processes. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article VII

- 1. The present Convention shall be open for accession to the States referred to in article VI (1).
- Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VIII

When any six of the States referred to in article VI (1) have deposited their instruments of ratification or accession, the present Convention shall come into force among them on the thirtieth day after the date of the deposit of the sixth instrument of ratification or accession. It shall come into force for each State which ratifies or accedes after that date on the thirtieth day after the deposit of its instrument of ratification or accession.

Article IX

The provisions of the present Convention shall extend to or be applicable equally to a contracting metropolitan State and to all the territories, be they Non-Self-Governing, Trust or Colonial Territories, which are being administered or governed by such metropolitan State.

Article X

Any Contracting State may denounce the present Convention by notification to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

Article XI

The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of parties to less than six becomes effective.

Article XII

- 1. A request for the revision of the present Convention may be made at any time by any Contracting State by means of a notification to the Secretary-General of the United Nations.
- 2. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XIII

The Secretary-General of the United Nations shall notify the States referred to in article VI (I) of the following:

- (a) Signatures, ratifications and accessions received in accordance with articles VI and VII;
- (b) The date upon which the present Convention comes into force in accordance with article XIII;
- (c) Denunciations received in accordance with article X (1);
 - (d) Abrogation in accordance with article XI;
 - (e) Notifications received in accordance with article XII.

Article XIV

- 1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
- 2. The Secretary-General of the United Nations shall transmit a certified copy to each State referred to in article VI (1).
- The present Convention shall be registered with the Secretariat of the United Nations on the date of its coming into force.

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International Convention against the Recruitment, Use, Financing and Training of Mercenaries

4 December 1989

The States Parties to the present Convention,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Being aware of the recruitment, use, financing and training of mercenaries for activities which violate principles of international law, such as those of sovereign equality, political independence, territorial integrity of States and self-determination of peoples,

Affirming that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States and that any person committing any of these offences should be either prosecuted or extradited,

Convinced of the necessity to develop and enhance international co-operation among States for the prevention, prosecution and punishment of such offences,

Expressing concern at new unlawful international activities linking drug traffickers and mercenaries in the perpetration of violent actions which undermine the constitutional order of States,

Also convinced that the adoption of a convention against the recruitment, use, financing and training of mercenaries would contribute to the eradication of these nefarious activities and thereby to the observance of the purposes and principles enshrined in the Charter,

Cognizant that matters not regulated by such a convention continue to be governed by the rules and principles of international law,

Have agreed as follows

Article 1

For the purposes of the present Convention,

- 1. A mercenary is any person who:
- (a) Is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- (d) Is not a member of the armed forces of a party to the conflict; and
- (e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.
- 2. A mercenary is also any person who, in any other situation:
- (a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:

- (i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or
- (ii) Undermining the territorial integrity of a State;
- (b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- (c) Is neither a national nor a resident of the State against which such an act is directed;
 - (d) Has not been sent by a State on official duty; and
- (e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

Article 2

Any person who recruits, uses, finances or trains mercenaries, as defined in article I of the present Convention, commits an offence for the purposes of the Convention.

Article 3

- 1. A mercenary, as defined in article I of the present Convention, who participates directly in hostilities or in a concerted act of violence, as the case may be, commits an offence for the purposes of the Convention.
- 2. Nothing in this article limits the scope of application of article 4 of the present Convention.

Article 4

An offence is committed by any person who:

- (a) Attempts to commit one of the offences set forth in the present Convention;
- (b) Is the accomplice of a person who commits or attempts to commit any of the offences set forth in the present Convention.

Article 5

- 1. States Parties shall not recruit, use, enhance or train mercenaries and shall prohibit such activities in accordance with the provisions of the present Convention.
- 2. States Parties shall not recruit, use, finance or train mercenaries for the purpose of opposing the legitimate exercise of the inalienable right of peoples to self-determination, as recognized by international law, and shall take, in conformity with international law, the appropriate measures to prevent the recruitment, use, financing or training of mercenaries for that purpose.
- 3. They shall make the offences set forth in the present Convention punishable by appropriate penalties which take into account the grave nature of those offences.

Article 6

States Parties shall co-operate in the prevention of the offences set forth in the present Convention, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including the prohibition of illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of such offences;

(b) Co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

Article 7

States Parties shall co-operate in taking the necessary measures for the implementation of the present Convention.

Article 8

Any State Party having reason to believe that one of the offences set forth in the present Convention has been, is being or will be committed shall, in accordance with its national law, communicate the relevant information, as soon as it comes to its knowledge, directly or through the Secretary-General of the United Nations, to the States Parties affected.

Article 9

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in the present Convention which are committed:
- (a) In its territory or on board a ship or aircraft registered in that State;
- (b) By any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in that territory.
- 2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in articles 2, 3 and 4 of the present Convention in cases where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this article.
- 3. The present Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 10

- 1. Upon being satisfied that the circumstances so warrant, any State Party in whose territory the alleged offender is present shall, in accordance with its laws, take him into custody or take such other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. The State Party shall immediately make a preliminary inquiry into the facts.
- 2. When a State Party, pursuant to this article, has taken a person into custody or has taken such other measures referred to in paragraph 1 of this article, it shall notify without delay either directly or through the Secretary-General of the United Nations:
 - (a) The State Party where the offence was committed;
- (b) The State Party against which the offence has been directed or attempted;
- (c) The State Party of which the natural or juridical person against whom the offence has been directed or attempted is a national;
- (d) The State Party of which the alleged offender is a national or, if he is a stateless person, in whose territory he has his habitual residence;

- (e) Any other interested State Party which it considers it appropriate to notify.
- 3. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:
- (a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, the State in whose territory he has his habitual residence;
 - (b) To be visited by a representative of that State.
- 4. The provisions of paragraph 3 of this article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (b), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.
- 5. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report its findings to the States referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.

Article 11

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in the present Convention shall be guaranteed at all stages of the proceedings fair treatment and all the rights and guarantees provided for in the law of the State in question. Applicable norms of international law should be taken into account.

Article 12

The State Party in whose territory the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

Article 13

- 1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in the present Convention, including the supply of evidence at their disposal necessary for the proceedings. The law of the State whose assistance is requested shall apply in all cases.
- 2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 14

The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States concerned.

Article 15

1. The offences set forth in articles 2, 3 and 4 of the present Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as

extraditable offences in every extradition treaty be concluded between them.

- 2. 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 at its option consider the present Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
- 3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.
- 4. The offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 9 of the present Convention.

Article 16

The present Convention shall he applied without prejudice to:

- (a) The rules relating to the international responsibility of States;
- (b) The law of armed conflict and international humanitarian law, including the provisions relating to the status of combatant or of prisoner of war.

Article 17

- 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by a request in conformity with the Statute of the Court.
- 2. Each State may, at the time of signature or ratification of the present Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 18

- 1. The present Convention shall be open for signature by all States until 31 December 1990 at United Nations Headquarters in New York.
- 2. The present Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 19

- 1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
- 2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 20

- 1. Any State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations.
- Denunciation shall take effect one year after the date on which the notification is received by the Secretary-General of the United Nations.

Article 21

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention.

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Environment



World Charter for Nature

28 October 1982

I. General Principles

- 1. Nature shall be respected and its essential processes shall not be impaired.
- 2. The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.
- 3. All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.
- 4. Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.
- 5. Nature shall be secured against degradation caused by warfare or other hostile activities.

II. Functions

- 6. In the decision-making process it shall be recognized that man's needs can be met only by ensuring the proper functioning of natural systems and by respecting the principles set forth in the present Charter.
- 7. In the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities.
- 8. In formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology.
- 9. The allocation of areas of the earth to various uses shall be planned, and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned.
- 10. Natural resources shall not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules:
- (a) Living resources shall not be utilized in excess of their natural capacity for regeneration;
- (b) The productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation;
- (c) Resources, including water, which are not consumed as they are used shall be reused or recycled;
- (d) Non-renewable resources which are consumed as they are used shall be exploited with restraint, taking into account their abundance, the rational possibilities of converting them for

consumption, and the compatibility of their exploitation with the functioning of natural systems.

- 11. Activities which might have an impact on nature shall be controlled, and the best available technologies that minimize significant risks to nature or other adverse effects shall be used; in particular:
- (a) Activities which are likely to cause irreversible damage to nature shall be avoided;
- (b) Activities which are likely to pose a significant risk to nature shall be preceded by an exhaustive examination; their proponents shall demonstrate that expected benefits outweigh potential damage to nature, and where potential adverse effects are not fully understood, the activities should not proceed;
- (c) Activities which may disturb nature shall be preceded by assessment of their consequences, and environmental impact studies of development projects shall be conducted sufficiently in advance, and if they are to be undertaken, such activities shall be planned and carried out so as to minimize potential adverse effects:
- (d) Agriculture, grazing, forestry and fisheries practices shall be adapted to the natural characteristics and constraints of given areas;
- (e) Areas degraded by human activities shall be rehabilitated for purposes in accord with their natural potential and compatible with the well-being of affected populations.
- 12. Discharge of pollutants into natural systems shall be avoided and
- (a) Where this is not feasible, such pollutants shall be treated at the source, using the best practicable means available;
- (b) Special precautions shall be taken to prevent discharge of radioactive or toxic wastes.
- 13. Measures intended to prevent, control or limit natural disasters, infestations and diseases shall be specifically directed to the causes of these scourges and shall avoid adverse side-effects on nature.

III. Implementation

- 14. The principles set forth in the present Charter shall be reflected in the law and practice of each State, as well as at the international level.
- 15. Knowledge of nature shall be broadly disseminated by all possible means, particularly by ecological education as an integral part of general education.
- 16. All planning shall include, among its essential elements, the formulation of strategies for the conservation of nature, the establishment of inventories of ecosystems and assessments of the effects on nature of proposed policies and activities; all of these elements shall be disclosed to the public by appropriate means in time to permit effective consultation and participation.
- 17. Funds, programmes and administrative structures necessary to achieve the objective of the conservation of nature shall be provided.

- 18. Constant efforts shall be made to increase knowledge of nature by scientific research and to disseminate such knowledge unimpeded by restrictions of any kind.
- 19. The status of natural processes, ecosystems and species shall be closely monitored to enable early detection of degradation or threat, ensure timely intervention and facilitate the evaluation of conservation policies and methods.
- 20. Military activities damaging to nature shall be avoided.
- 21. States and, to the extent they are able, other public authorities, international organizations, individuals, groups and corporations shall:
- (a) Co-operate in the task of conserving nature through common activities and other relevant actions, including information exchange and consultations;
- (b) Establish standards for products and manufacturing processes that may have adverse effects on nature, as well as agreed methodologies for assessing these effects;
- (c) Implement the applicable international legal provisions for the conservation of nature and the protection of the environment;

- (d) Ensure that activities within their jurisdictions or control do not cause damage to the natural systems located within other States or in the areas beyond the limits of national jurisdiction;
- (e) Safeguard and conserve nature in areas beyond national jurisdiction.
- 22. Taking fully into account the sovereignty of States over their natural resources, each State shall give effect to the provisions of the present Charter through its competent organs and in co-operation with other States.
- 23. All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation.
- 24. Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met.

Legal questions and international law

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Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations

24 October 1970

Preamble

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Considering that the faithful observance of the principles of international law concerning friendly relations and cooperation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

Recalling the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the

territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal rights and selfdetermination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles.

Considering that the progressive development and codification of the following principles:

- (a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,
- (b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,
- (d) The duty of States to co-operate with one another in accordance with the Charter,
- (e) The principle of equal rights and self-determination of peoples,
 - (f) The principle of sovereign equality of States,
- (g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

Having considered the principles of international law relating to friendly relations and co-operation among States,

1. Solemnly proclaims the following principles:

The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

- (a) Provisions of the Charter or any international agreement prior to the Charter regime and valid under international law; or
 - (b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political,

economic and cultural elements, are in violation of international

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

The duty of States to co-operate with one another in accordance with the Charter

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences.

To this end:

- (a) States shall co-operate with other States in the maintenance of international peace and security;
- (b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;
- (c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and nonintervention;
- (d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

The principle of equal rights and self-determination of peoples

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

- (a) To promote friendly relations and co-operation among States; and
- (b) To bring a speedy end to colonialism, having due regard to the freely-expressed will of the peoples concerned; and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The principle of sovereign equality of States

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

(a) States are juridically equal;

- (b) Each State enjoys the rights inherent in full sover-eignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

General part

2. Declares that:

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.

3. Declares further that:

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

14 December 1973

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and the promotion of friendly relations and cooperation among States,

Considering that crimes against diplomatic agents and other internationally protected persons jeopardizing the safety of these persons create a serious threat to the maintenance of normal international relations which are necessary for cooperation among States,

Believing that the commission of such crimes is a matter of grave concern to the international community,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention and punishment of such crimes,

Have agreed as follows:

Article 1

For the purposes of this Convention:

- 1. "Internationally protected person" means:
- (a) 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 any 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 in 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;
- 2. "Alleged offender" means a person as to 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 article 2.

Article 2

- 1. The intentional commission of:
- (a) A murder, kidnapping or other attack upon the person or liberty of an internationally protected person;
- (b) A violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;
 - (c) A 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

shall be made by each State Party a crime under its internal law.

- 2. Each State Party shall make these crimes punishable by appropriate penalties which take into account their grave nature.
- 3. Paragraphs 1 and 2 of this article in no way derogate from the obligations of States Parties under international law to take all appropriate measures to prevent other attacks on the person, freedom or dignity of an internationally protected person.

Article 3

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set forth in article 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 article 1 who enjoys his status as such by virtue of functions which he exercises on behalf of that State.
- 2. Each State Party 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 article 8 to any of the States mentioned in paragraph 1 of this article.
- 3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 4

States Parties shall co-operate in the prevention of the crimes set forth in article 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 co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 5

- 1. The State Party in which any of the crimes set forth in article 2 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to all other States concerned, directly or through the Secretary-General of the United Nations, all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.
- 2. Whenever any of the crimes set forth in article 2 has been committed against an internationally protected person, any State Party which has information concerning the victim and the circumstances of the crime shall endeavour to transmit it, under the conditions provided for in its internal law, fully and promptly to the State Party on whose behalf he was exercising his functions.

- 1. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition. Such measures shall be notified without delay directly or through the Secretary-General of the United Nations to:
 - (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides;
- (c) The State or States of which the internationally protected person concerned is a national or on whose behalf he was exercising his functions;
 - (d) All other States concerned; and
- (e) The international organization of which the internationally protected person concerned is an official or an agent.
- 2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:
- (a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a stateless person, which he requests and which is willing to protect his rights; and
 - (b) To be visited by a representative of that State.

Article 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.

Article 8

- 1. To the extent that the crimes set forth in article 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.
- 2. 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 this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the procedural provisions and the other conditions of the law of the requested State.
- 3. 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.
- 4. 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 paragraph 1 of article 3.

Article 9

Any person regarding whom proceedings are being carried out in connexion with any of the crimes set forth in article 2 shall be guaranteed fair treatment at all stages of the proceedings;

Article 10

- 1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the crimes set forth in article 2, including the supply of all evidence at their disposal necessary for the proceedings.
- 2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 11

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 12

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this Convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

Article 13

- 1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.
- 3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 14

This Convention shall be open for signature by all States, until 31 December 1974 at United Nations Headquarters in New York.

Article 15

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 16

This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 17

- 1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
- 2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 18

- 1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
- 2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations.

Article 19

The Secretary-General of the United Nations shall inform all States, inter alia:

- (a) Of signatures to this Convention, of the deposit of instruments of ratification or accession in accordance with articles 14, 15 and 16 and of notifications made under article 18:
- (b) Of the date on which this Convention will enter into force in accordance with article 17

Article 20

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention. opened for signature at New York on 14 December 1973.

Definition of Aggression

14 December 1974

The General Assembly,

Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take effective collective measures for the prevention and removal of threats to the pease, and for the suppression of acts of aggression or other breaches of the peace,

Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,

Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,

Bearing in mind that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

Considering also that, since aggression is the most serious and dangerous form of the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world conflict and all its catastrophic consequences, aggression should be defined at the present stage,

Reaffirming the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity,

Reaffirming also that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof,

Reaffirming also the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Convinced that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

Believing that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

Adopts the following Definition of Aggression:

Article 1

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Explanatory note: In this Definition the term "State":

- (a) Is used without prejudice to questions of recognition or to whether a State is a member of the United Nations;
- (b) Includes the concept of a "group of States" where appropriate.

Article 2

The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- (c) The blockade of the ports or coasts of a State by the armed forces of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

- 1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.
- 2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.
- 3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

Article 6

Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

Article 7

Nothing in this Definition, and in particular article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

Article 8

In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions.

International Convention against the Taking of Hostages

17 December 1979

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

Recognizing, in particular, that everyone has the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principle of equal rights and self-determination of peoples as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, as well as in other relevant resolutions of the General Assembly,

Considering that the taking of hostages is an offence of grave concern to the international community and that, in accordance with the provisions of this Convention, any person committing an act of taking of hostages shall be either prosecuted or extradited,

Being convinced that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of taking of hostages as manifestations of international terrorism,

Have agreed as follows:

Article 1

- 1. Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person (hereinafter referred to as the "hostage") in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostages ("hostage-taking") within the meaning of this Convention.
 - 2. Any person who:
 - (a) Attempts to commit an act of hostage-taking, or
- (b) Participates as an accomplice of anyone who commits or attempts to commit an act of hostage-taking

likewise commits an offence for the purposes of this Convention.

Article 2

Each State Party shall make the offences set forth in article 1 punishable by appropriate penalties which take into account the grave nature of those offences.

Article 3

1. The State Party in the territory of which the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate, when relevant, his departure.

2. If any object which the offender has obtained as a result of the taking of hostages comes into the custody of a State Party, that State Party shall return it as soon as possible to the hostage or the third party referred to in article 1, as the case may be, or to the appropriate authorities thereof.

Article 4

States Parties shall co-operate in the prevention of the offences set forth in article 1, particularly by:

- (a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts of taking of hostages;
- (b) Exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

Article 5

- 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1 which are committed:
- (a) In its territory or on board a ship or aircraft registered in that State;
- (b) By any of its nationals or, if that State considers it appropriate, by those stateless persons who have their habitual residence in its territory;
- (c) In order to compel that State to do or abstain from doing any act; or
- (d) With respect to a hostage who is a national of that State, if that State considers it appropriate.
- 2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in cases where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this article.
- 3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the alleged offender is present shall, in accordance with its laws, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted. That State Party shall immediately make a preliminary inquiry into the facts.

The custody or other measures referred to in paragraph 1 of this article shall be notified without delay directly or through the Secretary-General of the United Nations to:

- (a) The State where the offence was committed;
- (b) The State against which compulsion has been directed or attempted;

- (c) The State of which the natural or juridical person against whom compulsion has been directed or attempted is a national;
- (d) The State of which the hostage is a national or in the territory of which he has his habitual residence;
- (e) The State of which the alleged offender is a national or, if he is a stateless person, in the territory of which he has his habitual residence:
- (f) The international intergovernmental organization against which compulsion has been directed or attempted;
 - (g) All other States concerned.
- 3. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:
- (a) To communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;
 - (b) To be visited by a representative of that State.
- 4. The rights referred to in paragraph 3 of this article shall be exercised in conformity with the laws and regulations of the State in the territory of which the alleged offender is present, subject to the proviso, however, that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 of this article are intended.
- 5. The provisions of paragraphs 3 and 4 of this article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with paragraph 1 (b) of article 5 to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.
- 6. The State which makes the preliminary inquiry contemplated in paragraph 1 of this article shall promptly report its findings to the States or organization referred to in paragraph 2 of this article and indicate whether it intends to exercise jurisdiction.

Article 7

The State Party where the alleged offender is prosecuted shall, in accordance with its laws, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States concerned and the international intergovernmental organizations concerned.

Article 8

- 1. The State Party in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a grave nature under the law of that State.
- 2. Any person regarding whom proceedings are being carried out in connexion with any of the offences set forth in article 1 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guaran-

tees provided by the law of the State in the territory of which he is present.

Article 9

- 1. A request for the extradition of an alleged offender, pursuant to this Convention, shall not be granted if the requested State Party has substantial grounds for believing:
- (a) That the request for extradition for an offence set forth in article 1 has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion; or
 - (b) That the person's position may be prejudiced:
 - (i) For any of the reasons mentioned in subparagraph (a) of this paragraph, or
 - (ii) For the reason that communication with him by the appropriate authorities of the State entitled to exercise rights of protection cannot be effected.
- 2. With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention

Article 10

- 1. The offences set forth in article 1 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
- 2. 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, the requested State may at its option consider this Convention as the legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
- 3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.
- 4. The offences set forth in article 1 shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with paragraph 1 of article 5.

Article 11

- 1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the offences set forth in article 1, including the supply of all evidence at their disposal necessary for, the proceedings.
- 2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

Article 12

In so far as the Geneva Conventions of 1949 for the protection of war victims or the Protocols Additional to those

Conventions are applicable to a particular act of hostage-taking, and in so far as States Parties to this Convention are bound under those Conventions to prosecute or hand over the hostage-taker, the present Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts as defined in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts, mentioned in article 1, paragraph 4, of Protocol I of 1977, in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

Article 13

This Convention shall not apply where the offence is committed within a single State, the hostage and the alleged offender are nationals of that State and the alleged offender is found in the territory of that State.

Article 14

Nothing in this Convention shall be construed as justifying the violation of the territorial integrity or political independence of a State in contravention of the Charter of the United Nations.

Article 15

The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the adoption of this Convention, as between the States which are parties to those treaties; but a State Party to this Convention may not invoke those treaties with respect to another State Party to this Convention which is not a party to those treaties.

Article 16

- 1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
- 2. Each State may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article

with respect to any State Party which has made such a reserva-

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 17

- This Convention is open for signature by all States until
 December 1980 at United Nations Headquarters in New York.
- 2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- 3. This Convention is open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 18

- 1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.
- 2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 19

- 1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
- Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 20

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

Code of Conduct for Law Enforcement Officials

17 December 1979

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary: *

- (a) The term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.
- (b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services.
- (c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.
- (d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

- (a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.
- (b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

*The commentaries provide information to facilitate the use of the Code within the framework of national legislation or practice. In addition, national or regional commentaries could identify specific features of the legal systems and practices of different States or regional intergovernmental organizations which would promote the application of the Code.

Commentary:

- (a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.
- (b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.
- (c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary:

By nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

(a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:

"[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments]."

- (b) The Declaration defines torture as follows:
- "... torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the standard minimum rules for the treatment of prisoners.
- (c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly, but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary:

- (a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.
- (b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.
- (c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in he course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary:

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their own agencies.

- (b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connexion with one's duties, in response to gifts, promises, or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.
- (c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary:

- (a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.
- (b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.
- (c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.
- (d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.
- (e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the cooperation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

.29 November 1985

PART ONE

GENERAL PRINCIPLES

1. Fundamental perspectives

- 1.1 Member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family.
- 1.2 Member States shall endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible.
- 1.3 Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law.
- 1.4 Juvenile justice shall be conceived as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles, thus, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society.
- 1.5 These Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.
- 1.6 Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes.

Commentary

These broad fundamental perspectives refer to comprehensive social policy in general and aim at promoting juvenile welfare to the greatest possible extent, which will minimize the necessity of intervention by the juvenile justice system, and in turn, will reduce the harm that may be caused by any intervention. Such care measures for the young, before the onset of delinquency, are basic policy requisites designed to obviate the need for the application of the Rules.

Rules 1.1 to 1.3 point to the important role that a constructive social policy for juveniles will play, *inter alia*, in the prevention of juvenile crime and delinquency. Rule 1.4 defines juvenile justice as an integral part of social justice for juveniles, while rule 1.6 refers to the necessity of constantly improving juvenile justice, without falling behind the development of progressive social policy for juveniles in general and bearing in mind the need for consistent improvement of staff services.

Rule 1.5 seeks to take account of existing conditions in Member States which would cause the manner of implementa-

tion of particular rules necessarily to be different from the manner adopted in other States.

2. Scope of the Rules and definitions used

- 2.1 The following Standard Minimum Rules shall be applied to juvenile offenders impartially, without distinction of any kind, for example as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.
- 2.2 For purposes of these Rules, the following definitions shall be applied by Member States in a manner which is compatible with their respective legal systems and concepts:
- (a) A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult:
- (b) An offence is any behaviour (act or omission) that is punishable by law under the respective legal systems;
- (c) A *juvenile offender* is a child or young person who is alleged to have committed or who has been found to have committed an offence.
- 2.3 Efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the functions of the administration of juvenile justice and designed:
- (a) To meet the varying needs of juvenile offenders, while protecting their basic rights;
 - (b) To meet the needs of society;
- (c) To implement the following rules thoroughly and fairly.

Commentary

The Standard Minimum Rules are deliberately formulated so as to be applicable within different legal systems and, at the same time, to set some minimum standards for the handling of juvenile offenders under any definition of a juvenile and under any system of dealing with juvenile offenders. The Rules are always to be applied impartially and without distinction of any kind.

Rule 2.1 therefore stresses the importance of the Rules always being applied impartially and without distinction of any kind. The rule follows the formulation of principle 2 of the Declaration of the Rights of the Child.

Rule 2.2 defines "juvenile" and "offence" as the components of the notion of the "juvenile offender", who is the main subject of these Standard Minimum Rules (see, however, also rules 3 and 4). It should be noted that age limits will depend on, and are explicitly made dependent on, each respective legal system, thus fully respecting the economic, social, political, cultural and legal systems of Member States. This makes for a wide variety of ages coming under the definition of "juvenile", ranging from 7 years to 18 years or above. Such a variety seems

inevitable in view of the different national legal systems and does not diminish the impact of these Standard Minimum Rules.

Rule 2.3 is addressed to the necessity of specific national legislation for the optimal implementation of these Standard Minimum Rules, both legally and practically.

3. Extension of the Rules

- 3.1 The relevant provisions of the Rules shall be applied not only to juvenile offenders but also to juveniles who may be proceeded against for any specific behaviour that would not be punishable if committed by an adult.
- 3.2 Efforts shall be made to extend the principles embodied in the Rules to all juveniles who are dealt with in welfare and care proceedings.
- 3.3 Efforts shall also be made to extend the principles embodied in the Rules to young adult offenders.

Commentary

Rule 3 extends the protection afforded by the Standard Minimum Rules for the Administration of Juvenile Justice to cover:

- (a) The so-called "status offences" prescribed in various national legal systems where the range of behaviour considered to be an offence is wider for juveniles than it is for adults (for example, truancy, school and family disobedience, public drunkenness, etc.) (rule 3.1);
 - (b) Juvenile welfare and care proceedings (rule 3.2);
- (c) Proceedings dealing with young adult offenders, depending of course on each given age limit (rule 3.3).

The extension of the Rules to cover these three areas seems to be justified. Rule 3.1 provides minimum guarantees in those fields, and rule 3.2 is considered a desirable step in the direction of more fair, equitable and humane justice for all juveniles in conflict with the law.

4. Age of criminal responsibility

4.1 In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.

Commentary

The minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially antisocial behaviour. If the age of criminal responsibility is fixed too low or if there is no lower age limit at all, the notion of responsibility would become meaningless. In general, there is a close relationship between the notion of responsibility for delinquent or criminal behaviour and other social rights and responsibilities (such as marital status, civil majority, etc.).

Efforts should therefore be made to agree on a reasonable lowest age limit that is applicable internationally.

5. Aims of juvenile justice

5.1 The juvenile justice system shall emphasize the wellbeing of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.

Commentary

Rule 5 refers to two of the most important objectives of juvenile justice. The first objective is the promotion of the well-being of the juvenile. This is the main focus of those legal systems in which juvenile offenders are dealt with by family courts or administrative authorities, but the well-being of the juvenile should also be emphasized in legal systems that follow the criminal court model, thus contributing to the avoidance of merely punitive sanctions. (See also rule 14.)

The second objective is "the principle of proportionality". This principle is well-known as an instrument for curbing punitive sanctions, mostly expressed in terms of just deserts in relation to the gravity of the offence. The response to young offenders should be based on the consideration not only of the gravity of the offence but also of personal circumstances. The individual circumstances of the offender (for example social status, family situation, the harm caused by the offence or other factors affecting personal circumstances) should influence the proportionality of the reactions (for example by having regard to the offender's endeavour to indemnify the victim or to her or his willingness to turn to wholesome and useful life).

By the same token, reactions aiming to ensure the welfare of the young offender may go beyond necessity and therefore infringe upon the fundamental rights of the young individual, as has been observed in some juvenile justice systems. Here, too, the proportionality of the reaction to the circumstances of both the offender and the offence, including the victim, should be safeguarded.

In essence, rule 5 calls for no less and no more than a fair reaction in any given cases of juvenile delinquency and crime. The issues combined in the rule may help to stimulate development in both regards: new and innovative types of reactions are as desirable as precautions against any undue widening of the net of formal social control over juveniles.

6. Scope of discretion

- 6.1 In view of the varying special needs of juveniles as well as the variety of measures available, appropriate scope for discretion shall be allowed at all stages of proceedings and at the different levels of juvenile justice administration, including investigation, prosecution, adjudication and the follow-up of dispositions.
- 6.2 Efforts shall be made, however, to ensure sufficient accountability at all stages and levels in the exercise of any such discretion.
- 6.3 Those who exercise discretion shall be specially qualified or trained to exercise it judiciously and in accordance with their functions and mandates.

Commentary

Rules 6.1, 6.2 and 6.3 combine several important features of effective, fair and humane juvenile justice administration: the need to permit the exercise of discretionary power at all significant levels of processing so that those who make determinations can take the actions deemed to be most appropriate in each individual case; and the need to provide checks and balances in order to curb any abuses of discretionary power and to safe-

guard the rights of the young offender. Accountability and professionalism are instruments best apt to curb broad discretion. Thus, professional qualifications and expert training are emphasized here as a valuable means of ensuring the judicious exercise of discretion in matters of juvenile offenders. (See also rules 1.6 and 2.2.) The formulation of specific guidelines on the exercise of discretion and the provision of systems of review, appeal and the like in order to permit scrutiny of decisions and accountability are emphasized in this context. Such mechanisms are not specified here, as they do not easily lend themselves to incorporation into international standard minimum rules, which cannot possibly cover all differences in justice systems.

7. Rights of juveniles

7.1 Basic procedural safeguards such as the presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to counsel, the right to the presence of a parent or guardian, the right to confront and cross-examine witnesses and the right to appeal to a higher authority shall be guaranteed at all stages of proceedings.

Commentary

Rule 7.1 emphasizes some important points that represent essential elements for a fair and just trial and that are internationally recognized in existing human rights instruments. (See also rule 14.) The presumption of innocence, for instance, is also to be found in article 11 of the Universal Declaration of Human Rights and in article 14, paragraph 2, of the International Covenant on Civil and Political Rights.

Rules 14 seq. of these Standard Minimum Rules specify issues that are important for proceedings in juvenile cases, in particular, while rule 7.1 affirms the most basic procedural safeguards in a general way.

8. Protection of privacy

- 8.1 The juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.
- 8.2 In principle, no information that may lead to the identification of a juvenile offender shall be published.

Commentary

Rule 8 stresses the importance of the protection of the juvenile's right to privacy. Young persons are particularly susceptible to stigmatization. Criminological research into labelling processes has provided evidence of the detrimental effects (of different kinds) resulting from the permanent identification of young persons as "delinquent" or "criminal".

Rule 8 stresses the importance of protecting the juvenile from the adverse effects that may result from the publication in the mass media of information about the case (for example the names of young offenders, alleged or convicted). The interest of the individual should be protected and upheld, at least in principle. (The general contents of rule 8 are further specified in rule 21.)

9. Saving clause

9.1 Nothing in these Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations and other human rights instruments and standards recognized by the

international community that relate to the care and protection of the young.

Commentary

Rule 9 is meant to avoid any misunderstanding in interpreting and implementing the present Rules in conformity with principles contained in relevant existing or emerging international human rights instruments and standards—such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the Declaration of the Rights of the Child and the draft convention on the rights of the child. It should be understood that the application of the present Rules is without prejudice to any such international instruments which may contain provisions of wider application. (See also rule 27.)

Part two

INVESTIGATION AND PROSECUTION

10. Initial contact

- 10.1 Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter.
- 10.2 A judge or other competent official or body shall, without delay, consider the issue of release.
- 10.3 Contacts between the law enforcement agencies and a juvenile offender shall be managed in such a way as to respect the legal status of the juvenile, promote the well-being of the juvenile and avoid harm to her or him, with due regard to the circumstances of the case.

Commentary

Rule 10.1 is in principle contained in rule 92 of the Standard Minimum Rules for the Treatment of Prisoners.

The question of release (rule 10.2) shall be considered without delay by a judge or other competent official. The latter refers to any person or institution in the broadest sense of the term, including community boards or police authorities having power to release an arrested person. (See also the International Covenant on Civil and Political Rights, article 9, paragraph 3.)

Rule 10.3 deals with some fundamental aspects of the procedures and behaviour on the part of the police and other law enforcement officials in cases of juvenile crime. To "avoid harm" admittedly is flexible wording and covers many features of possible interaction (for example the use of harsh language, physical violence or exposure to the environment). Involvement in juvenile justice processes in itself can be "harmful" to juveniles; the term "avoid harm" should be broadly interpreted, therefore, as doing the least harm possible to the juvenile in the first instance, as well as any additional or undue harm. This is especially important in the initial contact with law enforcement agencies, which might profoundly influence the juvenile's attitude towards the State and society. Moreover, the success of any further intervention is largely dependent on such initial contacts. Compassion and kind firmness are important in these situations.

11. Diversion

- 11.1 Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority, referred to in rule 14.1 below.
- 11.2 The police, the prosecution or other agencies dealing with juvenile cases shall be empowered to dispose of such cases, at their discretion, without recourse to formal hearings, in accordance with the criteria laid down for that purpose in the respective legal system and also in accordance with the principles contained in these Rules.
- 11.3 Any diversion involving referral to appropriate community or other services shall require the consent of the juvenile, or her or his parents or guardian, provided that such decision to refer a case shall be subject to review by a competent authority, upon application.
- 11.4 In order to facilitate the discretionary disposition of juvenile cases, efforts shall be made to provide for community programmes, such as temporary supervision and guidance, restitution, and compensation of victims.

Commentary

Diversion, involving removal from criminal justice processing and, frequently, redirection to community support services, is commonly practised on a formal and informal basis in many legal systems. This practice serves to hinder the negative effects of subsequent proceedings in juvenile justice administration (for example the stigma of conviction and sentence). In many cases, non-intervention would be the best response. Thus, diversion at the outset and without referral to alternative (social) services may be the optimal response. This is especially the case where the offence is of a non-serious nature and where the family, the school or other informal social control institutions have already reacted, or are likely to react, in an appropriate and constructive manner.

As stated in rule 11.2, diversion may be used at any point of decision-making—by the police, the prosecution or other agencies such as the courts, tribunals, boards or councils. It may be exercised by one authority or several or all authorities, according to the rules and policies of the respective systems and in line with the present Rules. It need not necessarily be limited to petty cases, thus rendering diversion an important instrument.

Rule 11.3 stresses the important requirement of securing the consent of the young offender (or the parent or guardian) to the recommended diversionary measure(s). (Diversion to community service without such consent would contradict the Abolition of Forced Labour Convention.) However, this consent should not be left unchallengeable, since it might sometimes be given out of sheer desperation on the part of the juvenile. The rule underlines that care should be taken to minimize the potential for coercion and intimidation at all levels in the diversion process. Juveniles should not feel pressured (for example in order to avoid court appearance) or be pressured into consenting to diversion programmes. Thus, it is advocated that provision should be made for an objective appraisal of the appropriateness of dispositions involving young offenders by a "competent authority upon application". (The "competent authority" may be different from that referred to in rule 14.)

Rule 11.4 recommends the provision of viable alternatives to juvenile justice processing in the form of community-

based diversion. Programmes that involve settlement by victim restitution and those that seek to avoid future conflict with the law through temporary supervision and guidance are especially commended. The merits of individual cases would make diversion appropriate, even when more serious offences have been committed (for example first offence, the act having been committed under peer pressure, etc.).

12. Specialization within the police

12.1 In order to best fulfil their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose.

Commentary

Rule 12 draws attention to the need for specialized training for all law enforcement officials who are involved in the administration of juvenile justice. As police are the first point of contact with the juvenile justice system, it is most important that they act in an informed and appropriate manner.

While the relationship between urbanization and crime is clearly complex, an increase in juvenile crime has been associated with the growth of large cities, particularly with rapid and unplanned growth. Specialized police units would therefore be indispensable, not only in the interest of implementing specific principles contained in the present instrument (such as rule 1.6) but more generally for improving the prevention and control of juvenile crime and the handling of juvenile offenders.

13. Detention pending trial

- 13.1 Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time.
- 13.2 Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home.
- 13.3 Juveniles under detention pending trial shall be entitled to all rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.
- 13.4 Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.
- 13.5 While in custody, juveniles shall receive care, protection and all necessary individual assistance—social, educational, vocational, psychological, medical and physical—that they may require in view of their age, sex and personality.

Commentary

The danger to juveniles of "criminal contamination" while in detention pending trial must not be underestimated. It is therefore important to stress the need for alternative measures. By doing so, rule 13.1 encourages the devising of new and innovative measures to avoid such detention in the interest of the well-being of the juvenile.

Juveniles under detention pending trial are entitled to all the rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners as well as the International Covenant on Civil and Political Rights, especially article 9 and article 10, paragraphs 2 (b) and 3.

Rule 13.4 does not prevent States from taking other measures against the negative influences of adult offenders which are at least as effective as the measures mentioned in the rule.

Different forms of assistance that may become necessary have been enumerated to draw attention to the broad range of particular needs of young detainees to be addressed (for example females or males, drug addicts, alcoholics, mentally ill juveniles, young persons suffering from the trauma, for example, of arrest, etc.).

Varying physical and psychological characteristics of young detainees may warrant classification measures by which some are kept separate while in detention pending trial, thus contributing to the avoidance of victimization and rendering more appropriate assistance.

The Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its resolution 4 on juvenile justice standards, specified that the Rules, *inter alia*, should reflect the basic principle that pre-trial detention should be used only as a last resort, that no minors should be held in a facility where they are vulnerable to the negative influences of adult detainees and that account should always be taken of the needs particular to their stage of development.

PART THREE

ADJUDICATION AND DISPOSITION

14. Competent authority to adjudicate

- 14.1 Where the case of a juvenile offender has not been diverted (under rule 11), she or he shall be dealt with by the competent authority (court, tribunal, board, council, etc.) according to the principles of a fair and just trial.
- 14.2 The proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely.

Commentary

It is difficult to formulate a definition of the competent body or person that would universally describe an adjudicating authority. "Competent authority" is meant to include those who preside over courts or tribunals (composed of a single judge or of several members), including professional and lay magistrates as well as administrative boards (for example the Scottish and Scandinavian systems) or other more informal community and conflict resolution agencies of an adjudicatory nature.

The procedure for dealing with juvenile offenders shall in any case follow the minimum standards that are applied almost universally for any criminal defendant under the procedure known as "due process of law". In accordance with due process, a "fair and just trial" includes such basic safeguards as the presumption of innocence, the presentation and examination of witnesses, the common legal defences, the right to remain silent, the right to have the last word in a hearing, the right to appeal, etc. (See also rule 7.1.)

15. Legal counsel, parents and guardians

- 15.1 Throughout the proceedings the juvenile shall have the right to be represented by a legal adviser or to apply for free legal aid where there is provision for such aid in the country.
- 15.2 The parents or the guardian shall be entitled to participate in the proceedings and may be required by the competent authority to attend them in the interest of the juvenile. They may, however, be denied participation by the competent authority if there are reasons to assume that such exclusion is necessary in the interest of the juvenile.

Commentary

Rule 15.1 uses terminology similar to that found in rule 93 of the Standard Minimum Rules for the Treatment of Prisoners. Whereas legal counsel and free legal aid are needed to assure the juvenile legal assistance, the right of the parents or guardian to participate as stated in rule 15.2 should be viewed as general psychological and emotional assistance to the juvenile—a function extending throughout the procedure.

The competent authority's search for an adequate disposition of the case may profit, in particular, from the cooperation of the legal representatives of the juvenile (or, for that matter, some other personal assistant who the juvenile can and does really trust). Such concern can be thwarted if the presence of parents or guardians at the hearings plays a negative role, for instance, if they display a hostile attitude towards the juvenile, hence, the possibility of their exclusion must be provided for.

16. Social inquiry reports

16.1 In all cases except those involving minor offences, before the competent authority renders a final disposition prior to sentencing, the background and circumstances in which the juvenile is living or the conditions under which the offence has been committed shall be properly investigated so as to facilitate judicious adjudication of the case by the competent authority.

Commentary

Social inquiry reports (social reports or pre-sentence reports) are an indispensable aid in most legal proceedings involving juveniles. The competent authority should be informed of relevant facts about the juvenile, such as social and family background, school career, educational experiences, etc. For this purpose, some jurisdictions use special social services or personnel attached to the court or board. Other personnel, including probation officers, may serve the same function. The rule therefore requires that adequate social services should be available to deliver social inquiry reports of a qualified nature.

17. Guiding principles in adjudication and disposition

- 17.1 The disposition of the competent authority shall be guided by the following principles:
- (a) The reaction taken shall always be in proportion not only to the circumstances and the gravity of the offence but also to the circumstances and the needs of the juvenile as well as to the needs of the society;
- (b) Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum;
- (c) Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving

violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response:

- (d) The well-being of the juvenile shall be the guiding factor in the consideration of her or his case.
- 17.2 Capital punishment shall not be imposed for any crime committed by juveniles.
- 17.3 Juveniles shall not be subject to corporal punishment.
- 17.4 The competent authority shall have the power to discontinue the proceedings at any time.

Commentary

The main difficulty in formulating guidelines for the adjudication of young persons stems from the fact that there are unresolved conflicts of a philosophical nature, such as the following:

- (a) Rehabilitation versus just desert;
- (b) Assistance versus repression and punishment;
- (c) Reaction according to the singular merits of an individual case versus reaction according to the protection of society in general;
 - (d) General deterrence versus individual incapacitation.

The conflict between these approaches is more pronounced in juvenile cases than in adult cases. With the variety of causes and reactions characterizing juvenile cases, these alternatives become intricately interwoven.

It is not the function of the Standard Minimum Rules for the Administration of Juvenile Justice to prescribe which approach is to be followed but rather to identify one that is most closely in consonance with internationally accepted principles. Therefore the essential elements as laid down in rule 17.1, in particular in subparagraphs (a) and (c), are mainly to be understood as practical guidelines that should ensure a common starting point; if heeded by the concerned authorities (see also rule 5), they could contribute considerably to ensuring that the fundamental rights of juvenile offenders are protected, especially the fundamental rights of personal development and education.

Rule 17.1 (b) implies that strictly punitive approaches are not appropriate. Whereas in adult cases, and possibly also in cases of severe offences by juveniles, just desert and retributive sanctions might be considered to have some merit, in juvenile cases such considerations should always be outweighed by the interest of safeguarding the well-being and the future of the young person.

In line with resolution 8 of the Sixth United Nations Congress, rule 17.1 (b) encourages the use of alternatives to institutionalization to the maximum extent possible, bearing in mind the need to respond to the specific requirements of the young. Thus, full use should be made of the range of existing alternative sanctions and new alternative sanctions should be developed, bearing the public safety in mind. Probation should be granted to the greatest possible extent via suspended sentences, conditional sentences, board orders and other dispositions.

Rule 17.1 (c) corresponds to one of the guiding principles in resolution 4 of the Sixth Congress which aims at avoiding

incarceration in the case of juveniles unless there is no other appropriate response that will protect the public safety.

The provision prohibiting capital punishment in rule 17.2 is in accordance with article 6, paragraph 5, of the International Covenant on Civil and Political Rights.

The provision against corporal punishment is in line with article 7 of the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft convention on the rights of the child.

The power to discontinue the proceedings at any time (rule 17.4) is a characteristic inherent in the handling of juvenile offenders as opposed to adults. At any time, circumstances may become known to the competent authority which would make a complete cessation of the intervention appear to be the best disposition of the case.

18. Various disposition measures

- 18.1 A large variety of disposition measures shall be made available to the competent authority, allowing for flexibility so as to avoid institutionalization to the greatest extent possible. Such measures, some of which may be combined, include:
 - (a) Care, guidance and supervision orders;
 - (b) Probation;
 - (c) Community service orders;
 - (d) Financial penalties, compensation and restitution;
 - (e) Intermediate treatment and other treatment orders;
- (f) Orders to participate in group counselling and similar activities;
- (g) Orders concerning foster care, living communities or other educational settings;
 - (h) Other relevant orders.
- 18.2 No juvenile shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his case make this necessary.

Commentary

Rule 18.1 attempts to enumerate some of the important reactions and sanctions that have been practised and proved successful thus far, in different legal systems. On the whole they represent promising opinions that deserve replication and further development. The rule does not enumerate staffing requirements because of possible shortages of adequate staff in some regions; in those regions measures requiring less staff may be tried or developed.

The examples given in rule 18.1 have in common, above all, a reliance on and an appeal to the community for the effective implementation of alternative dispositions. Community-based correction is a traditional measure that has taken on many aspects. On that basis, relevant authorities should be encouraged to offer community-based services.

Rule 18.2 points to the importance of the family which, according to article 10, paragraph I, of the International Covenant on Economic, Social and Cultural Rights, is "the natural and fundamental group unit of society". Within the family, the parents have not only the right but also the responsibility to care

for and supervise their children. Rule 18.2, therefore, requires that the separation of children from their parents is a measure of last resort. It may be resorted to only when the facts of the case clearly warrant this grave step (for example child abuse).

19. Least possible use of institutionalization

19.1 The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.

Commentary

Progressive criminology advocates the use of non-institutional over institutional treatment. Little or no difference has been found in terms of the success of institutionalization as compared to non-institutionalization. The many adverse influences on an individual that seem unavoidable within any institutional setting evidently cannot be outbalanced by treatment efforts. This is especially the case for juveniles, who are vulnerable to negative influences. Moreover, the negative effects, not only of loss of liberty but also of separation from the usual social environment, are certainly more acute for juveniles than for adults because of their early stage of development.

Rule 19 aims at restricting institutionalization in two regards: in quantity ("last resort") and in time ("minimum necessary period"). Rule 19 reflects one of the basic guiding principles of resolution 4 of the Sixth United Nations Congress: a juvenile offender should not be incarcerated unless there is no other appropriate response. The rule, therefore, makes the appeal that if a juvenile must be institutionalized, the loss of liberty should be restricted to the least possible degree, with special institutional arrangements for confinement and bearing in mind the differences in kinds of offenders, offences and institutions. In fact, priority should be given to "open" over "closed" institutions. Furthermore, any facility should be of a correctional or educational rather than of a prison type.

20. Avoidance of unnecessary delay

20.1 Each case shall from the outset be handled expeditiously, without any unnecessary delay.

Commentary

The speedy conduct of formal procedures in juvenile cases is a paramount concern. Otherwise whatever good may be achieved by the procedure and the disposition is at risk. As time passes, the juvenile will find it increasingly difficult, if not impossible, to relate the procedure and disposition to the offence, both intellectually and psychologically.

21. Records

- 21.1 Records of juvenile offenders shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the case at hand or other duly authorized persons.
- 21.2 Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offender.

Commentary

The rule attempts to achieve a balance between conflicting interests connected with records or files: those of the police, prosecution and other authorities in improving control versus

the interests of the juvenile offender. (See also rule 8.) "Other duly authorized persons" would generally include, among others, researchers.

22. Need for professionalism and training

- 22.1 Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of all personnel dealing with juvenile cases.
- 22.2 Juvenile justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies.

Commentary

The authorities competent for disposition may be persons with very different backgrounds (magistrates in the United Kingdom of Great Britain and Northern Ireland and in regions influenced by the common law system; legally trained judges in countries using Roman law and in regions influenced by them; and elsewhere elected or appointed laymen or jurists, members of community-based boards, etc.). For all these authorities, a minimum training in law, sociology, psychology, criminology and behavioural sciences would be required. This is considered as important as the organizational specialization and independence of the competent authority.

For social workers and probation officers, it might not be feasible to require professional specialization as a prerequisite for taking over any function dealing with juvenile offenders. Thus, professional on-the-job instruction would be minimum qualifications.

Professional qualifications are an essential element in ensuring the impartial and effective administration of juvenile justice. Accordingly, it is necessary to improve the recruitment, advancement and professional training of personnel and to provide them with the necessary means to enable them to properly fulfil their functions.

All political, social, sexual, racial, religious, cultural or any other kind of discrimination in the selection, appointment and advancement of juvenile justice personnel should be avoided in order to achieve impartiality in the administration of juvenile justice. This was recommended by the Sixth Congress. Furthermore, the Sixth Congress called on Member States to ensure the fair and equal treatment of women as criminal justice personnel and recommended that special measures should be taken to recruit, train and facilitate the advancement of female personnel in juvenile justice administration.

PART FOUR

NON-INSTITUTIONAL TREATMENT

23. Effective implementation of disposition

- 23.1 Appropriate provisions shall be made for the implementation of orders of the competent authority, as referred to in rule 14.1 above, by that authority itself or by some other authority as circumstances may require.
- 23.2 Such provisions shall include the power to modify the orders as the competent authority may deem necessary from time to time, provided that such modification shall be deter-

mined in accordance with the principles contained in these Rules.

Commentary

Disposition in juvenile cases, more so than in adult cases, tends to influence the offender's life for a long period of time. Thus, it is important that the competent authority or an independent body (parole board, probation office, youth welfare institutions or others) with qualifications equal to those of the competent authority that originally disposed of the case should monitor the implementation of the disposition. In some countries, a juge de l'exécution des peines has been installed for this purpose.

The composition, powers and functions of the authority must be flexible; they are described in general terms in rule 23 in order to ensure wide acceptability.

24. Provision of needed assistance

24.1 Efforts shall be made to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process.

Commentary

The promotion of the well-being of the juvenile is of paramount consideration. Thus, rule 24 emphasizes the importance of providing requisite facilities, services and other necessary assistance as may further the best interests of the juvenile throughout the rehabilitative process.

25. Mobilization of volunteers and other community services

25.1 Volunteers, voluntary organizations, local institutions and other community resources shall be called upon to contribute effectively to the rehabilitation of the juvenile in a community setting and, as far as possible, within the family unit.

Commentary

This rule reflects the need for a rehabilitative orientation of all work with juvenile offenders. Cooperation with the community is indispensable if the directives of the competent authority are to be carried out effectively. Volunteers and voluntary services, in particular, have proved to be valuable resources but are at present underutilized. In some instances, the cooperation of ex-offenders (including ex-addicts) can be of considerable assistance.

Rule 25 emanates from the principles laid down in rules 1.1 to 1.6 and follows the relevant provisions of the International Covenant on Civil and Political Rights.

PART FIVE

INSTITUTIONAL TREATMENT

26. Objectives of institutional treatment

- 26.1 The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.
- 26.2 Juveniles in institutions shall receive care, protection and all necessary assistance—social, educational, vocational,

psychological, medical and physical—that they may require because of their age, sex, and personality and in the interest of their wholesome development.

- 26.3 Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.
- 26.4 Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.
- 26.5 In the interest and well-being of the institutionalized juvenile, the parents or guardians shall have a right of access.
- 26.6 Inter-ministerial and inter-departmental cooperation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational training to institutionalized juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.

Commentary

The objectives of institutional treatment as stipulated in rules 26.1 and 26.2 would be acceptable to any system and culture. However, they have not yet been attained everywhere, and much more has to be done in this respect.

Medical and psychological assistance, in particular, are extremely important for institutionalized drug addicts, violent and mentally ill young persons.

The avoidance of negative influences through adult offenders and the safeguarding of the well-being of juveniles in an institutional setting, as stipulated in rule 26.3, are in line with one of the basic guiding principles of the Rules, as set out by the Sixth Congress in its resolution 4. The rule does not prevent States from taking other measures against the negative influences of adult offenders, which are at least as effective as the measures mentioned in the rule. (See also rule 13.4.)

Rule 26.4 addresses the fact that female offenders normally receive less attention than their male counterparts, as pointed out by the Sixth Congress. In particular, resolution 9 of the Sixth Congress calls for the fair treatment of female offenders at every stage of criminal justice processes and for special attention to their particular problems and needs while in custody. Moreover, this rule should also be considered in the light of the Caracas Declaration of the Sixth Congress, which, *inter alia*, calls for equal treatment in criminal justice administration, and against the background of the Declaration on the Elimination of Discrimination against Women and the Convention on the Elimination of All Forms of Discrimination against Women.

The right of access (rule 26.5) follows from the provisions of rules 7.1, 10.1, 15.2 and 18.2. Inter-ministerial and inter-departmental cooperation (rule 26.6) are of particular importance in the interest of generally enhancing the quality of institutional treatment and training.

- 27. Application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations
- 27.1 The Standard Minimum Rules for the Treatment of Prisoners and related recommendations shall be applicable as far as relevant to the treatment of juvenile offenders in institutions, including those in detention pending adjudication.

27.2 Efforts shall be made to implement the relevant principles laid down in the Standard Minimum Rules for the Treatment of Prisoners to the largest possible extent so as to meet the varying needs of juveniles specific to their age, sex and personality.

Commentary

The Standard Minimum Rules for the Treatment of Prisoners were among the first instruments of this kind to be promulgated by the United Nations. It is generally agreed that they have had a world-wide impact. Although there are still countries where implementation is more an aspiration than a fact, those Standard Minimum Rules continue to be an important influence in the humane and equitable administration of correctional institutions.

Some essential protections covering juvenile offenders in institutions are contained in the Standard Minimum Rules for the Treatment of Prisoners (accommodation, architecture, bedding, clothing, complaints and requests, contact with the outside world, food, medical care, religious service, separation of ages, staffing, work, etc.) as are provisions concerning punishment and discipline, and restraint for dangerous offenders. It would not be appropriate to modify those Standard Minimum Rules according to the particular characteristics of institutions for juvenile offenders within the scope of the Standard Minimum Rules for the Administration of Juvenile Justice.

Rule 27 focuses on the necessary requirements for juveniles in institutions (rule 27.1) as well as on the varying needs specific to their age, sex and personality (rule 27.2). Thus, the objectives and content of the rule interrelate to the relevant provisions of the Standard Minimum Rules for the Treatment of Prisoners.

28. Frequent and early recourse to conditional release

- 28.1 Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time.
- 28.2 Juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community.

Commentary

The power to order conditional release may rest with the competent authority, as mentioned in rule 14.1 or with some other authority. In view of this, it is adequate to refer here to the "appropriate" rather than to the "competent" authority.

Circumstances permitting, conditional release shall be preferred to serving a full sentence. Upon evidence of satisfactory progress towards rehabilitation, even offenders who had been deemed dangerous at the time of their institutionalization can be conditionally released whenever feasible. Like probation, such release may be conditional on the satisfactory fulfilment of the requirements specified by the relevant authorities for a period of time established in the decision, for example relating to "good behaviour" of the offender, attendance in community programmes, residence in half-way houses, etc.

In the case of offenders conditionally released from an institution, assistance and supervision by a probation or other officer (particularly where probation has not yet been adopted)

should be provided and community support should be encouraged.

29. Semi-institutional arrangements

29.1 Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, day-time training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

Commentary

The importance of care following a period of institutionalization should not be underestimated. This rule emphasizes the necessity of forming a net of semi-institutional arrangements.

This rule also emphasizes the need for a diverse range of facilities and services designed to meet the different needs of young offenders re-entering the community and to provide guidance and structural support as an important step towards successful reintegration into society.

PART SIX

RESEARCH, PLANNING, POLICY FORMULATION AND EVALUATION

- 30. Research as a basis for planning, policy formulation and evaluation
- 30.1 Efforts shall be made to organize and promote necessary research as a basis for effective planning and policy formulation.
- 30.2 Efforts shall be made to review and appraise periodically the trends, problems and causes of juvenile delinquency and crime as well as the varying particular needs of juveniles in custody.
- 30.3 Efforts shall be made to establish a regular evaluative research mechanism built into the system of juvenile justice administration and to collect and analyse relevant data and information for appropriate assessment and future improvement and reform of the administration.
- 30.4 The delivery of services in juvenile justice administration shall be systematically planned and implemented as an integral part of national development efforts.

Commentary

The utilization of research as a basis for an informed juvenile justice policy is widely acknowledged as an important mechanism for keeping practices abreast of advances in knowledge and the continuing development and improvement of the juvenile justice system. The mutual feedback between research and policy is especially important in juvenile justice. With rapid and often drastic changes in the life-styles of the young and in the forms and dimensions of juvenile crime, the societal and justice responses to juvenile crime and delinquency quickly become outmoded and inadequate.

Rule 30 thus establishes standards for integrating research into the process of policy formulation and application in juvenile justice administration. The rule draws particular attention to the need for regular review and evaluation of existing programmes and measures and for planning within the broader context of overall development objectives.

A constant appraisal of the needs of juveniles, as well as the trends and problems of delinquency, is a prerequisite for improving the methods of formulating appropriate policies and establishing adequate interventions, at both formal and informal levels. In this context, research by independent persons and bodies should be facilitated by responsible agencies, and it may be valuable to obtain and to take into account the views of juveniles themselves, not only those who come into contact with the system.

The process of planning must particularly emphasize a more effective and equitable system for the delivery of necessary services. Towards that end, there should be a comprehensive and regular assessment of the wide-ranging, particular needs and problems of juveniles and an identification of clear-cut priorities. In that connection, there should also be a co-ordination in the use of existing resources, including alternatives and community support that would be suitable in setting up specific procedures designed to implement and monitor established programmes.

Declaration of the Basic Principles of Justice for Victims of Crime and the Abuse of Power

29 November 1985

A. Victims of crime

- 1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.
- 2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.
- 3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

- 4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.
- 5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.
- The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:
- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
- (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- (c) Providing proper assistance to victims throughout the legal process;
- (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

- 8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.
- 9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.
- 10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.
- 11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

- 12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:
- (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.
- 13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

- 14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.
- 15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

- 16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.
- 17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. Victims of abuse of power

- 18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.
- 19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.
- States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph
 18.
- 21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

Basic Principles on the Independence of the Judiciary

13 December 1985

Whereas in the Charter of the United Nations the peoples of the world affirm, *inter alia*, their determination to establish conditions under which justice can be maintained to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without any discrimination.

Whereas the Universal Declaration of Human Rights enshrines in particular the principles of equality before the law, of the presumption of innocence and of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law,

Whereas the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights both guarantee the exercise of those rights, and in addition, the Covenant on Civil and Political Rights further guarantees the right to be tried without undue delay,

Whereas frequently there still exists a gap between the vision underlying those principles and the actual situation,

Whereas the organization and administration of justice in every country should be inspired by those principles, and efforts should be undertaken to translate them fully into reality,

Whereas rules concerning the exercise of judicial office should aim at enabling judges to act in accordance with those principles,

Whereas judges are charged with the ultimate decision over life, freedoms, rights, duties and property of citizens,

Whereas the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by its resolution 16, called upon the Committee on Crime Prevention and Control to include among its priorities the elaboration of guidelines relating to the independence of judges and the selection, professional training and status of judges and prosecutors,

Whereas it is, therefore, appropriate that consideration be first given to the role of judges in relation to the system of justice and to the importance of their selection, training and conduct,

The following basic principles, formulated to assist Member States in their task of securing and promoting the independence of the judiciary should be taken into account and respected by Governments within the framework of their national legislation and practice and be brought to the attention of judges, lawyers, members of the executive and the legislature and the public in general. The principles have been formulated principally with professional judges in mind, but they apply equally, as appropriate, to lay judges, where they exist.

Independence of the judiciary

- 1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
- 2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements,

pressures, threats or interferences, direct or indirect, from any quarter or for any reason.

- 3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.
- 4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.
- 5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.
- 6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.
- 7. It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions.

Freedom of expression and association

- 8. In accordance with the Universal Declaration of Human Rights, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary.
- 9. Judges shall be free to form and join associations of judges or other organizations to represent their interests, to promote their professional training and to protect their judicial independence.

Qualifications, selection and training

10. Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.

Conditions of service and tenure

11. The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.

- 12. Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.
- 13. Promotion of judges, wherever such a system exists, should be based on objective factors, in particular ability, integrity and experience.
- 14. The assignment of cases to judges within the court to which they belong is an internal matter of judicial administration.

Professional secrecy and immunity

- 15. The judiciary shall be bound by professional secrecy with regard to their deliberations and to confidential information acquired in the course of their duties other than in public proceedings, and shall not be compelled to testify on such matters.
- 16. Without prejudice to any disciplinary procedure or to any right of appeal or to compensation from the State, in accordance with national law, judges should enjoy personal

immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions.

Discipline, suspension and removal

- 17. A charge or complaint made against a judge in his/her judicial and professional capacity shall be processed expeditiously and fairly under an appropriate procedure. The judge shall have the right to a fair hearing. The examination of the matter at its initial stage shall be kept confidential, unless otherwise requested by the judge.
- 18. Judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.
- All disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct.
- 20. Decisions in disciplinary, suspension or removal proceedings should be subject to an independent review. This principle may not apply to the decisions of the highest court and those of the legislature in impeachment or similar proceedings.

United Nations Convention on International Bills of Exchange and International Promissory Notes

9 December 1988

CHAPTER I. SPHERE OF APPLICATION AND FORM OF THE INSTRUMENT

Article 1

- 1. This Convention applies to an international bill of exchange when it contains the heading "International bill of exchange (UNCITRAL Convention)" and also contains in its text the words "International bill of exchange (UNCITRAL Convention)".
- 2. This Convention applies to an international promissory note when it contains the heading "International promissory note (UNCITRAL Convention)" and also contains in its text the words "International promissory note (UNCITRAL Convention)".
 - 3. This Convention does not apply to cheques.

Article 2

- 1. An international bill of exchange is a bill of exchange which specifies at least two of the following places and indicates that any two so specified are situated in different States:
 - (a) The place where the bill is drawn;
- (b) The place indicated next to the signature of the drawer;
 - (c) The place indicated next to the name of the drawee;
 - (d) The place indicated next to the name of the payee;
 - (e) The place of payment,

provided that either the place where the bill is drawn or the place of payment is specified on the bill and that such place is situated in a Contracting State.

- 2. An international promissory note is a promissory note which specifies at least two of the following places and indicates that any two so specified are situated in different States:
 - (a) The place where the note is made;
 - (b) The place indicated next to the signature of the maker;
 - (c) The place indicated next to the name of the payee;
 - (d) The place of payment,

provided that the place of payment is specified on the note and that such place is situated in a Contracting State.

3. This Convention does not deal with the question of sanctions that may be imposed under national law in cases where an incorrect or false statement has been made on an instrument in respect of a place referred to in paragraph 1 or 2 of this article. However, any such sanctions shall not affect the validity of the instrument or the application of this Convention.

Article 3

- 1. A bill of exchange is a written instrument which:
- (a) Contains an unconditional order whereby the drawer directs the drawee to pay a definite sum of money to the payee or to his order;
 - (b) Is payable on demand or at a definite time;
 - (c) Is dated;
 - (d) Is signed by the drawer.

- 2. A promissory note is a written instrument which:
- (a) Contains an unconditional promise whereby the maker undertakes to pay a definite sum of money to the payee or to his order;
 - (b) Is payable on demand or at a definite time;
 - (c) Is dated:
 - (d) Is signed by the maker.

CHAPTER II. INTERPRETATION

SECTION 1. GENERAL PROVISIONS

Article 4

In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in international transactions.

Article 5

In this Convention:

- (a) "Bill" means an international bill of exchange governed by this Convention;
- (b) "Note" means an international promissory note governed by this Convention;
 - (c) "Instrument" means a bill or a note;
- (d) "Drawee" means a person on whom a bill is drawn and who has not accepted it;
- (e) "Payee" means a person in whose favour the drawer directs payment to be made or to whom the maker promises to pay;
- (f) "Holder" means a person in possession of an instrument in accordance with article 15;
- (g) "Protected holder" means a holder who meets the requirements of article 29;
- (h) "Guarantor" means any person who undertakes an obligation of guarantee under article 46, whether governed by paragraph 4 (b) ("guaranteed") or paragraph 4 (c) ("aval") of article 47;
- (i) "Party" means a person who has signed an instrument as drawer, maker, acceptor, endorser or guarantor;
- (j) "Maturity" means the time of payment referred to in paragraphs 4, 5, 6 and 7 of article 9;
- (k) "Signature" means a handwritten signature, its facsimile or an equivalent authentication effected by any other means; "forged signature" includes a signature by the wrongful use of such means;
- (l) "Money" or "currency" includes a monetary unit of account which is established by an intergovernmental institution or by agreement between two or more States, provided that this Convention shall apply, without prejudice to the rules of the intergovernmental institution or to the stipulations of the agreement.

For the purposes of this Convention, a person is considered to have knowledge of a fact if he has actual knowledge of that fact or could not have been unaware of its existence.

SECTION 2. INTERPRETATION OF FORMAIREQUIREMENTS

Article 7

The sum payable by an instrument is deemed to be a definite sum although the instrument states that it is to be paid:

- (a) With interest;
- (b) By instalments at successive dates;
- (c) By instalments at successive dates with a stipulation in the instrument that upon default in payment of any instalment the unpaid balance becomes due;
- (d) According to a rate of exchange indicated in the instrument or to be determined as directed by the instrument; or
- (e) In a currency other than the currency in which the sum is expressed in the instrument.

Article 8

- 1. If there is a discrepancy between the sum expressed in words and the sum expressed in figures, the sum payable by the instrument is the sum expressed in words.
- 2. If the sum is expressed more than once in words, and there is a discrepancy, the sum payable is the smaller sum. The same rule applies if the sum is expressed more than once in figures only, and there is a discrepancy.
- 3. If the sum is expressed in a currency having the same description as that of at least one other State than the State where payment is to be made, as indicated in the instrument, and the specified currency is not identified as the currency of any particular State, the currency is to be considered as the currency of the State where payment is to be made.
- 4. If an instrument states that the sum is to be paid with interest, without specifying the date from which interest is to run, interest runs from the date of the instrument.
- 5. A stipulation stating that the sum is to be paid with interest is deemed not to have been written on the instrument unless it indicates the rate at which interest is to be paid.
- 6. A rate at which interest is to he paid may be expressed either as a definite rate or as a variable rate. For a variable rate to qualify for this purpose, it must vary in relation to one or more reference rates of interest in accordance with provisions stipulated in the instrument and each such reference rate must be published or otherwise available to the public and not be subject, directly or indirectly, to unilateral determination by a person who is named in the instrument at the time the bill is drawn or the note is made, unless the person is named only in the reference rate provisions.
- 7. If the rate at which interest is to be paid is expressed as a variable rate, it may be stipulated expressly in the instrument that such rate shall not be less than or exceed a specified rate of interest, or that the variations are otherwise limited.
- 8. If a variable rate does not qualify under paragraph 6 of this article or for any reason it is not possible to determine the numerical value of the variable rate for any period, interest shall be payable for the relevant period at the rate calculated in accordance with paragraph 2 of article 70.

Article 9

- 1. An instrument is deemed to be payable on demand:
- (a) If it states that it is payable at sight or on demand or on presentation if it contains words of similar import; or
 - (b) If no time of payment is expressed.
- 2. An instrument payable at a definite time which is accepted or endorsed or guaranteed after maturity is an instrument payable on demand as regards the acceptor, the endorser or the guarantor.
- 3. An instrument is deemed to be payable at a definite time if it states that it is payable:
- (a) On a stated date or at a fixed period after a stated date or at a fixed period after the date of the instrument;
 - (b) At a fixed period after sight;
 - (c) By instalments at successive dates; or
- (d) By instalments at successive dates with the stipulation in the instrument that upon default in payment of any instalment the unpaid balance becomes due.
- 4. The time of payment of an instrument payable at a fixed period or date is determined by reference to the date of the instrument.
- 5. The time of payment of a bill payable at a fixed period after sight is determined by the date of acceptance or, if the bill is dishonoured by non-acceptance, by the date of protest or, if protest is dispensed with, by the date of dishonour.
- 6. The time of payment of an instrument payable on demand is the date on which the instrument is presented for payment.
- 7. The time of payment of a note payable at a fixed period after sight is determined by the date of the visa signed by the maker on the note or, if his visa is refused, by the date of presentment.
- 8. If an instrument is drawn, or made, payable one or more months after a stated date or after the date of the instrument or after sight, the instrument is payable on the corresponding date of the month when payment must be made. If there is no corresponding date, the instrument is payable on the last day of that month.

Article 10

- 1. A bill may be drawn:
- (a) By two or more drawers;
- (b) Payable to two or more payees.
- 2. A note may be made:
- (a) By two or more makers;
- (b) Payable to two or more payees.
- 3. If an instrument is payable to two or more payees in the alternative, it is payable to any one of them and any one of them in possession of the instrument may exercise the rights of a holder. In any other case the instrument is payable to all of them and the rights of a holder may be exercised only by all of them.

Article 11

A bill may be drawn by the drawer:

- (a) On himself;
- (b) Payable to his order.

- 1. An incomplete instrument which satisfies the requirements ser out paragraph 1 of article 1 and bears the signature of the drawer or the acceptance of the drawee, or which satisfies the requirements set out in paragraph 2 of article 1 and paragraph 2 (d) of article 3, but which lacks other elements pertaining to one or more of the requirements set out in articles 2 and 3, may be completed, and the instrument so completed is effective as a bill or a note.
- 2. If such an instrument is completed without authority or otherwise than in accordance with the authority given:
- (a) A party who signed the instrument before the completion may invoke such lack of authority as a defence against a holder who had knowledge of such lack of authority when he became a holder;
- (b) A party who signed the instrument after the completion is liable according to the terms of the instrument so completed.

CHAPTER III. TRANSFER

Article 13

An instrument is transferred:

- (a) By endorsement and delivery of the instrument by the endorser to the endorsee; or
- (b) By mere delivery of the instrument if the last endorsement is in blank.

Article 14

- An endorsement must be written on the instrument or on a slip affixed thereto ("allonge"). It must be signed.
 - 2. An endorsement may be:
- (a) In blank, that is, by a signature alone or by a signature accompanied by a statement to the effect that the instrument is payable to a person in possession of it;
- (b) Special, that is, by a signature accompanied by an indication of the person to whom the instrument is payable.
- 3. A signature alone, other than that of the drawee, is an endorsement only if placed on the back of the instrument.

Article 15

- 1. A person is a holder if he is:
- (a) The payee in possession of the instrument; or
- (b) In possession of an instrument which has been endorsed to him, or on which the last endorsement is in blank, and on which there appears an uninterrupted series of endorsements, even if any endorsement was forged or was signed by an agent without authority.
- 2. If an endorsement in blank is followed by another endorsement, the person who signed this last endorsement is deemed to be an endorsee by the endorsement in blank.
- 3. A person is not prevented from being a holder by the fact that the instrument was obtained by him or any previous holder under circumstances, including incapacity or fraud, duress or mistake of any kind, that would give rise to a claim to, or a defence against liability on, the instrument.

Article 16

The holder of an instrument on which the last endorsement is in blank may:

- (a) Further endorse it either by an endorsement in blank or by a special endorsement;
- (b) Convert the blank endorsement into a special endorsement by indicating in the endorsement that the instrument is payable to himself or to some other specified person; or
- (c) Transfer the instrument in accordance with subparagraph (b) of article 13.

Article 17

- 1. If the drawer or the maker has inserted in the instrument such words as "not negotiable", "not transferable", "not to order", "pay (X) only", or words of similar import, the instrument may not be transferred except for purposes of collection, and any endorsement, even if it does not contain words authorizing the endorsee to collect the instrument, is deemed to be an endorsement for collection.
- 2. If an endorsement contains the words "not negotiable", "not transferable", "not to order", "pay (X) only", or words of similar import, the instrument may not be transferred further except for purposes of collection, and any subsequent endorsement, even if it does not contain words authorizing the endorsee to collect the instrument, is deemed to be an endorsement for collection.

Article 18

- 1. An endorsement must be unconditional.
- 2. A conditional endorsement transfers the instrument whether or not the condition is fulfilled. The condition is ineffective as to those parties and transferees who are subsequent to the endorsee.

Article 19

An endorsement in respect of a part of the sum due under the instrument is ineffective as an endorsement.

Article 20

If there are two or more endorsements, it is presumed, unless the contrary is proved, that each endorsement was made in the order in which it appears on the instrument.

Article 21

- 1. If an endorsement contains the words "for collection", "for deposit", "value in collection", "by procuration", "pay any bank", or words of similar import authorizing the endorsee to collect the instrument, the endorsee is a holder who:
 - (a) May exercise all rights arising out of the instrument;
- (b) May endorse the instrument only for purposes of collection;
- (c) Is subject only to the claims and defences which may be set up against the endorser.
- 2. The endorser for collection is not liable on the instrument to any subsequent holder

Article 22

1. If an endorsement contains the words "value in security", "value in pledge", or any other words indicating a pledge, the endorsee is a holder who:

- (a) May exercise all rights arising out of the instrument;
- (b) May endorse the instrument only for purposes of collection:
- (c) Is subject only to the claims and defences specified in article 28 or article 30.
- 2. If such an endorsee endorses for collection, he is not liable on the instrument to any subsequent holder.

The holder of an instrument may transfer it to a prior party or to the drawee in accordance with article 13; however, if the transferee has previously been a holder of the instrument, no endorsement is required, and any endorsement which would prevent him from qualifying as a holder may be struck out.

Article 24

An instrument may be transferred in accordance with article 13 after maturity, except by the drawee, the acceptor or the maker.

Article 25

- 1. If an endorsement is forged, the person whose endorsement is forged, or a party who signed the instrument before the forgery, has the right to recover compensation for any damage that he may have suffered because of the forgery against:
 - (a) The forger;
- (b) The person to whom the instrument was directly transferred by the forger;
- (c) A party or the drawee who paid the instrument to the forger directly or through one or more endorsees for collection.
- 2. However, an endorsee for collection is not liable under paragraph 1 of this article if he is without knowledge of the forgery:
- (a) At the time he pays the principal or advises him of the receipt of payment; or
- (b) At the time he receives payment, if this is later, unless his lack of knowledge is due to his failure to act in good faith or to exercise reasonable care.
- 3. Furthermore, a party or the drawee who pays an instrument is not liable under paragraph 1 of this article if, at the time he pays the instrument, he is without knowledge of the forgery, unless his lack of knowledge is due to his failure to act in good faith or to exercise reasonable care.
- 4. Except as against the forger, the damages recoverable under paragraph 1 of this article may not exceed the amount referred to in article 70 or article 71.

Article 26

- 1. If an endorsement is made by an agent without authority or power to bind his principal in the matter, the principal, or a party who signed the instrument before such endorsement, has the right to recover compensation for any damage that he may have suffered because of such endorsement against:
 - (a) The agent;
- (b) The person to whom the instrument was directly transferred by the agent;
- (c) A party or the drawee who paid the instrument to the agent directly or through one or more endorsees for collection.

- 2. However, an endorsee for collection is not liable under paragraph 1 of this article if he is without knowledge that the endorsement does not bind the principal:
- (a) At the time he pays the principal or advises him of the receipt of payment; or
- (b) At the time he receives payment, if this is later, unless his lack of knowledge is due to his failure to act in good faith or to exercise reasonable care.
- 3. Furthermore, a party or the drawee who pays an instrument is not liable under paragraph 1 of this article if, at the time he pays the instrument, he is without knowledge that the endorsement does not bind the principal, unless his lack of knowledge is due to his failure to act in good faith or to exercise reasonable care.
- 4. Except as against the agent, the damages recoverable under paragraph 1 of this article may not exceed the amount referred to in article 70 or article 71.

CHAPTER IV. RIGHTS AND LIABILITIES

SECTION I. THE RIGHTS OF A HOLDER AND OF A PROTECTED HOLDER

Article 27

- 1. The holder of an instrument has all the rights conferred on him by this Convention against the parties to the instrument.
- The holder may transfer the instrument in accordance with article 13.

- 1. A party may set up against a holder who is not a protected holder:
- (a) Any defence that may be set up against a protected holder in accordance with paragraph 1 of article 30;
- (b) Any defence based on the underlying transaction between himself and the drawer or between himself and his transferee, but only if the holder took the instrument with knowledge of such defence or if he obtained the instrument by fraud or theft or participated at any time in a fraud or theft concerning it:
- (c) Any defence arising from the circumstances as a result of which he became a party, but only if the holder took the instrument with knowledge of such defence or if he obtained the instrument by fraud or theft or participated at any time in a fraud or theft concerning it;
- (d) Any defence which may be raised against an action in contract between himself and the holder;
 - (e) Any other defence available under this Convention.
- 2. The rights to an instrument of a holder who is not a protected holder are subject to any valid claim to the instrument on the part of any person, but only if he took the instrument with knowledge of such claim or if he obtained the instrument by fraud or theft or participated at any time in a fraud or theft concerning it.
- 3. A holder who takes an instrument after the expiration of the time-limit for presentment for payment is subject to any claim to, or defence against liability on, the instrument to which his transferor is subject.

- 4. A party may not raise as a defence against a holder who is not a protected holder the fact that a third person has a claim to the instrument unless:
- (a) The third person asserted a valid claim to the instrument; or
- (b) The holder acquired the instrument by theft or forged the signature of the payee or an endorsee, or participated in the theft or the forgery.

"Protected holder" means the holder of an instrument which was complete when he took it or which was incomplete within the meaning of paragraph 1 of article 12 and was completed in accordance with authority given, provided that when he became a holder:

- (a) He was without knowledge of a defence against liability on the instrument referred to in paragraphs 1 (a), (b), (c) and (e) of article 28;
- (b) He was without knowledge of a valid claim to the instrument of any person;
- (c) He was without knowledge of the fact that it had been dishonoured by non-acceptance or by non-payment;
- (d) The time-limit provided by article 55 for presentment of that instrument for payment had not expired;
- (e) He did not obtain the instrument by fraud or theft or participate in a fraud or theft concerning it.

Article 30

- 1. A party may not set up against a protected holder any defence except:
- (a) Defences under paragraph 1 of article 33, article 34, paragraph 1 of article 35, paragraph 3 of article 36, paragraph 1 of article 53, paragraph 1 of article 57, paragraph 1 of article 63 and article 84 of this Convention;
- (b) Defences based on the underlying transaction between himself and such holder or arising from any fraudulent act on the part of such holder in obtaining the signature on the instrument of that party;
- (c) Defences based on his incapacity to incur liability on the instrument or on the fact that he signed without knowledge that his signature made him a party to the instrument, provided that his lack of knowledge was not due to his negligence and provided that he was fraudulently induced so to sign.
- 2. The rights to an instrument of a protected holder are not subject to any claim to the instrument on the part of any person, except a valid claim arising from the underlying transaction between himself and the person by whom the claim is raised.

Article 31

- 1. The transfer of an instrument by a protected holder vests in any subsequent holder the rights to and on the instrument which the protected holder had.
 - 2. Those rights are not vested in a subsequent holder if:
- (a) He participated in a transaction which gives rise to a claim to, or a defence against liability on, the instrument;
- (b) He has previously been a holder, but not a protected holder.

Article 32

Every holder is presumed to be a protected holder unless the contrary is proved.

SECTION 2. LIABILITIES OF THE PARTIES

A. General provisions

Article 33

- 1. Subject to the provisions of articles 34 and 36, a person is not liable on an instrument unless he signs it.
- 2. A person who signs an instrument in a name which is not his own is liable as if he had signed it in his own name.

Article 34

A forged signature on an instrument does not impose any liability on the person whose signature was forged. However, if he consents to be bound by the forged signature or represents that it is his own, he is liable as if he had signed the instrument himself.

Article 35

- 1. If an instrument is materially altered:
- (a) A party who signs it after the material alteration is liable according to the terms of the altered text;
- (b) A party who signs it before the material alteration is liable according to the terms of the original text. However, if a party makes, authorizes or assents to a material alteration, he is liable according to the terms of the altered text.
- 2. A signature is presumed to have been placed on the instrument after the material alteration unless the contrary is proved.
- 3. Any alteration is material which modifies the written undertaking on the instrument of any party in any respect.

- 1. An instrument may he signed by an agent.
- 2. The signature of an agent placed by him on an instrument with the authority of his principal and showing on the instrument that he is signing in a representative capacity for that named principal, or the signature of a principal placed on the instrument by an agent with his authority, imposes liability on the principal and not on the agent.
- 3. A signature placed on an instrument by a person as agent but who lacks authority to sign or exceeds his authority, or by an agent who has authority to sign but who does not show on the instrument that he is signing in a representative capacity for a named person, or who shows on the instrument that he is signing in a representative capacity but does not name the person whom he represents, imposes liability on the person signing and not on the person whom he purports to represent.
- 4. The question whether a signature was placed on the instrument in a representative capacity may be determined only by reference to what appears on the instrument.
- 5. A person who is liable pursuant to paragraph 3 of this article and who pays the instrument has the same rights as the person for whom he purported to act would have had if that person had paid the instrument.

The order to pay contained in a bill does not of itself operate as an assignment to the payee of funds made available for payment by the drawer with the drawee.

B. The drawer

Article 38

- 1. The drawer engages that upon dishonour of the bill by non-acceptance or by non-payment, and upon any necessary protest, he will pay the bill to the holder, or to any endorser or any endorser's guarantor who takes up and pays the bill.
- 2. The drawer may exclude or limit his own liability for acceptance or for payment by an express stipulation in the bill. Such a stipulation is effective only with respect to the drawer. A stipulation excluding or limiting liability for payment is effective only if another party is or becomes liable on the bill.

C. The maker

Article 39

- The maker engages that he will pay the note in accordance with its terms to the holder, or to any party who takes up and pays the note.
- 2. The maker may not exclude or limit his own liability by a stipulation in the note. Any such stipulation is ineffective.

D. The drawee and the acceptor

Article 40

- 1. The drawee is not liable on a bill until he accepts it.
- 2. The acceptor engages that he will pay the bill in accordance with the terms of his acceptance to the holder, or to any party who takes up and pays the bill.

Article 41

- 1. An acceptance must be written on the bill and may be effected:
- (a) By the signature of the drawee accompanied by the word "accepted" or by words of similar import; or
 - (b) By the signature alone of the drawee.
- 2. An acceptance may he written on the front or on the back of the bill.

Article 42

- 1. An incomplete bill which satisfies the requirements set out in paragraph 1 of article 1 may he accepted by the drawee before it has been signed by the drawer, or while otherwise incomplete.
- 2. A bill may be accepted before, at or after maturity, or after it has been dishonoured by non-acceptance or by non-payment.
- 3. If a bill drawn payable at a fixed period after sight, or a bill which must be presented for acceptance before a specified date, is accepted, the acceptor must indicate the date of his acceptance; failing such indication by the acceptor, the drawer or the holder may insert the date of acceptance.
- 4. If a bill drawn payable at a fixed period after sight is dishonoured by non-acceptance and the drawee subsequently accepts it, the holder is entitled to have the acceptance dated as of the date on which the bill was dishonoured.

Article 43

- An acceptance must be unqualified. An acceptance is qualified if it is conditional or varies the terms of the bill.
- 2. If the drawee stipulates in the bill that his acceptance is subject to qualification:
- (a) He is nevertheless bound according to the terms of his qualified acceptance;
 - (b) The bill is dishonoured by non-acceptance.
- 3. An acceptance relating to only a part of the sum payable is a qualified acceptance. If the holder takes such an acceptance, the bill is dishonoured by non-acceptance only as to the remaining part.
- 4. An acceptance indicating that payment will be made at a particular address or by a particular agent is not a qualified acceptance, provided that:
- (a) The place in which payment is to he made is not changed;
 - (b) The bill is not drawn payable by another agent.

E. The endorser

Article 44

- 1. The endorser engages that upon dishonour of the instrument by non-acceptance or by non-payment, and upon any necessary protest, he will pay the instrument to the holder, or to any subsequent endorser or any endorser as guarantor who takes up and pays the instrument.
- 2. An endorser may exclude or limit his own liability by an express stipulation in the instrument. Such a stipulation is effective only with respect to that endorser.
 - F. The transferor by endorsement or by mere delivery

Article 45

- 1. Unless otherwise agreed, a person who transfers an instrument, by endorsement and delivery or by mere delivery, represents to the holder to whom he transfers the instrument that:
- (a) The instrument does not bear any forged or unauthorized signature;
 - (b) The instrument has not been materially altered;
- (c) At the time of transfer, he has no knowledge of any fact which would impair the right of the transferee to payment of the instrument against the acceptor of a bill or, in the case of an unaccepted bill, the drawer, or against the maker of a note.
- 2. Liability of the transferor under paragraph 1 of this article is incurred only if the transferee took the instrument without knowledge of the matter giving rise to such liability.
- 3. If the transferor is liable under paragraph 1 of this article, the transferee may recover, even before maturity, the amount paid by him to the transferor, with interest calculated in accordance with article 70, against return of the instrument.

G. The guarantor

Article 46

1. Payment of an instrument, whether or not it has been accepted, may he guaranteed, as to the whole or part of its amount, for the account of a party or the drawee. A guarantee may he given by any person, who may or may not already he a party.

- 2. A guarantee must be written on the instrument or on a slip affixed thereto ("allonge").
- 3. A guarantee is expressed by the words "guaranteed", "aval", "good as aval" or words of similar import, accompanied by the signature of the guarantor. For the purposes of this Convention, the words "prior endorsements guaranteed" or words of similar import do not constitute a guarantee.
- 4. A guarantee may be effected by a signature alone on the front of the instrument. A signature alone on the front of the instrument, other than that of the maker, the drawer or the drawee, is a guarantee.
- 5. A guarantor may specify the person for whom he has become guarantor. In the absence of such specification, the person for whom he has become guarantor is the acceptor or the drawee in the case of a bill, and the maker in the case of a note.
- 6. A guarantor may not raise as a defence to his liability the fact that he signed the instrument before it was signed by the person for whom he is a guarantor, or while the instrument was incomplete.

- 1. The liability of a guarantor on the instrument is of the same nature as that of the party for whom he has become guarantor.
- 2. If the person for whom he has income guarantor is the drawee, the guarantor engages:
- (a) To pay the bill at maturity to the holder, or to any party who takes up and pays the bill;
- (b) If the bill is payable at a definite time, upon dishonour by non-acceptance and upon any necessary protest, to pay it to the holder, or to any party who takes up and pays the bill.
- In respect of defences that are personal to himself, a guarantor may set up:
- (a) Against a holder who is not a protected holder only those defences which he may set up under paragraphs 1, 3 and 4 of article 28;
- (b) Against a protected holder only those defences which he may set up under paragraph 1 of article 30.
- 4. In respect of defences that may he raised by the person for whom he has income a guarantor:
- (a) A guarantor may set up against a holder who is not a protected holder only those defences which the person for whom he has become a guarantor may set up against such holder under paragraphs 1, 3 and 4 of article 28;
- (b) A guarantor who expresses his guarantee by the words "guaranteed", "payment guaranteed" or "collection guaranteed", or words of similar import, may set up against a protected holder only those defences which the person for whom he has become a guarantor may set up against a protected holder under paragraph 1 of article 30;
- (c) A guarantor who expresses his guarantee by the words "aval" or "good as aval" may set up against a protected holder only:
 - (i) The defence, under paragraph 1 (b) of article 30, that the protected holder obtained the signature on the instrument of the person for whom he has become a guarantor by a fraudulent act;

- (ii) The defence, under article 53 or article 57, that the instrument was not presented for acceptance or for payment;
- (iii) The defence, under article 63, that the instrument was not duly protested for non-acceptance or for nonpayment;
- (iv) The defence, under article 84, that a right of action may no longer be exercised against the person for whom he has become guarantor;
- (d) A guarantor who is not a bank or other financial institution and who expresses his guarantee by a signature alone may set up against a protected holder only the defences referred to in subparagraph (b) of this paragraph;
- (e) A guarantor which is a bank or other financial institution and which expresses its guarantee by a signature alone may set up against a protected holder only the defences referred to in subparagraph (c) of this paragraph.

Article 48

- 1. Payment of an instrument by the guarantor in accordance with article 72 discharges the party for whom he became guarantor of his liability on the instrument to the extent of the amount paid.
- The guarantor who pays the instrument may recover from the party for whom he has become guarantor and from the parties who are liable on it to that party the amount paid and any interest.
- CHAPTER V. PRESENTMENT, DISHONOUR BY NON-ACCEPTANCE OR NON-PAYMENT, AND RECOURSE

SECTION 1. PRESENTMENT FOR ACCEPTANCE AND DISHONOUR BY NON-ACCEPTANCE

Article 49

- 1. A bill may be presented for acceptance.
- 2. A bill must be presented for acceptance:
- (a) If the drawer has stipulated in the bill that it must be presented for acceptance;
 - (b) If the bill is payable at a fixed period after sight; or
- (c) If the bill is payable elsewhere than at the residence or place of business of the drawee, unless it is payable on demand.

Article 50

- 1. The drawer may stipulate in the bill that it must not be presented for acceptance before a specified date or before the occurrence of a specified event. Except where a bill must be presented for acceptance under paragraph 2 (b) or (c) of article 49, the drawer may stipulate that it must not be presented for acceptance.
- 2. If a bill is presented for acceptance notwithstanding a stipulation permitted under paragraph 1 of this article and acceptance is refused, the bill is not thereby dishonoured.
- 3. If the drawee accepts a bill notwithstanding a stipulation that it must not be presented for acceptance, the acceptance is effective.

Article 51

A bill is duly presented for acceptance if it is presented in accordance with the following rules:

- (a) The holder must present the bill to the drawee on a business day at a reasonable hour;
- (b) Presentment for acceptance may be made to a person or authority other than the drawee if that person or authority is entitled under the applicable law to accept the bill;
- (c) If a bill is payable on a fixed date, presentment for acceptance must be made before or on that date;
- (d) A bill payable on demand or at a fixed period after sight must be presented for acceptance within one year of its date;
- (e) A bill in which the drawer has stated a date or timelimit for presentment for acceptance must be presented on the stated date or within the stated time-limit.

- 1. A necessary or optional presentment for acceptance is dispensed with if:
- (a) The drawee is dead, or no longer has the power freely to deal with his assets by reason of his insolvency, or is a fictitious person, or is a person not having capacity to incur liability on the instrument as an acceptor; or
- (b) The drawee is a corporation, partnership, association or other legal entity which has ceased to exist.
- 2. A necessary presentment for acceptance is dispensed with if:
- (a) A bill is payable on a fixed date, and presentment for acceptance cannot be effected before or on that date due to circumstances which are beyond the control of the holder and which he could neither avoid nor overcome; or
- (b) A bill is payable at a fixed period after sight, and presentment for acceptance cannot be effected within one year of its date due to circumstances which are beyond the control of the holder and which he could neither avoid nor overcome.
- 3. Subject to paragraphs 1 and 2 of this article, delay in a necessary presentment for acceptance is excused, but presentment for acceptance is not dispensed with, if the bill is drawn with a stipulation that it must be presented for acceptance within a stated time-limit, and the delay in presentment for acceptance is caused by circumstances which are beyond the control of the holder and which he could neither avoid nor overcome. When the cause of the delay ceases to operate, presentment must be made with reasonable diligence.

Article 53

- 1. If a bill which must be presented for acceptance is not so presented, the drawer, the endorsers and their guarantors are not liable on he bill.
- 2. Failure to present a bill for acceptance does not discharge the guarantor of the drawee of liability on the bill.

Article 54

- A bill is considered to be dishonoured by non-acceptance:
- (a) If the drawee, upon due presentment, expressly refuses to accept the bill or acceptance cannot be obtained with reasonable diligence or if the holder cannot obtain the acceptance to which he is entitled under this Convention;
- (b) If presentment for acceptance is dispensed with pursuant to article 52, unless the bill is in fact accepted.

- 2. (a) If a bill is dishonoured by non-acceptance in accordance with paragraph 1 (a) of this article, the holder may exercise an immediate right of recourse against the drawer, the endorsers and their guarantors, subject to the provisions of article 59.
- (b) If a bill is dishonoured by non-acceptance in accordance with paragraph 1 (b) of this article, the holder may exercise an immediate right of recourse against the drawer, the endorsers and their guarantors.
- (c) If a bill is dishonoured by non-acceptance in accordance with paragraph 1 of this article, the holder may claim payment from the guarantor of the drawee upon any necessary protest.
- If a bill payable on demand is presented for acceptance, but acceptance is refused, it is not considered to be dishonoured by non-acceptance.

SECTION 2. PRESENTMENT FOR PAYMENT AND DISHONOUR BY NON-PAYMENT

Article 55

An instrument is duly presented for payment if it is presented in accordance with the following rules:

- (a) The holder must present the instrument to the drawee or to the acceptor or to the maker on a business day at a reasonable hour;
- (b) A note signed by two or more makers may he presented to any one of them, unless the note clearly indicates otherwise:
- (c) If the drawee or the acceptor or the maker is dead, presentment must be made to the persons who under the applicable law are his heirs or the persons entitled to administer his estate;
- (d) Presentment for payment may be made to a person or authority other than the drawee, the acceptor or the maker if that person or authority is entitled under the applicable law to pay the instrument;
- (e) An instrument which is not payable on demand must be presented for payment on the date of maturity or on one of the two business days which follow;
- (f) An instrument which is payable on demand must be presented for payment within one year of its date;
 - (g) An instrument must be presented for payment:
 - (i) At the place of payment specified on the instrument;
 - (ii) If no place of payment is specified, at the address of the drawee or the acceptor or the maker indicated in the instrument; or
 - (iii) If no place of payment is specified and the address of the drawee or the acceptor or the maker is not indicated, at the principal place of business or habitual residence of the drawee or the acceptor or the maker;
- (h) An instrument which is presented at a clearing-house is duly presented for payment if the law of the place where the clearing-house is located or the rules or customs of that clearing-house so provide.

Article 56

1. Delay in making presentment for payment is excused if the delay is caused by circumstances which are beyond the control of the holder and which he could neither avoid nor

overcome. When the cause of the delay ceases to operate, presentment must be made with reasonable diligence.

- 2. Presentment for payment is dispensed with:
- (a) If the drawer, an endorser or a guarantor has expressly waived presentment; such waiver:
 - (i) If made on the instrument by the drawer, binds any subsequent party and benefits any holder;
 - (ii) If made on the instrument by a party other than the drawer, binds only that party but benefits any holder;
 - (iii) If made outside the instrument, binds only the party making it and benefits only a holder in whose favour it was made.
- (h) If an instrument is not payable on demand, and the cause of delay in making presentment referred to in paragraph 1 of this article continues to operate beyond thirty days after maturity;
- (c) If an instrument is payable on demand, and the cause of delay in making presentment referred to in paragraph 1 of this article continues to operate beyond thirty days after the expiration of the time-limit for presentment for payment;
- (d) If the drawee, the maker or the acceptor has no longer the power freely to deal with his assets by reason of his insolvency, or is a fictitious person or a person not having capacity to make payment, or if the drawee, the maker or the acceptor is a corporation, partnership, association or other legal entity which has ceased to exist;
- (e) If there is no place at which the instrument must be presented in accordance with subparagraph (g) of article 55.
- 3. Presentment for payment is also dispensed with as regards a bill, if the bill has been protested for dishonour by non-acceptance.

Article 57

- 1. If an instrument is not duly presented for payment, the drawer, the endorsers and their guarantors are not liable on it.
- 2. Failure to present an instrument for payment does not discharge the acceptor, the maker and their guarantors or the guarantor of the drawee of liability on it.

Article 58

- An instrument is considered to be dishonoured by non-payment:
- (a) If payment is refused upon due presentment or if the holder cannot obtain the payment to which he is entitled under this Convention;
- (b) If presentment for payment is dispensed with pursuant to paragraph 2 of article 56 and the instrument is unpaid at maturity.
- 2. If a bill is dishonoured by non-payment, the holder may, subject to the provisions of article 59, exercise a right of recourse against the drawer, the endorsers and their guarantors.
- 3. If a note is dishonoured by non-payment, the holder may, subject to the provisions of article 59, exercise a right of recourse against the endorsers and their guarantors.

SECTION 3. RECOURSE

Article 59

If an instrument is dishonoured by non-acceptance or by non-payment, the holder may exercise a right of recourse only after the instrument has been duly protested for dishonour in accordance with the provisions of articles 60 to 62.

A. Protest

Article 60

- 1. A protest is a statement of dishonour drawn up at the place where the instrument has been dishonoured and signed and dated by a person authorized in that respect by the law of that place. The statement must specify:
- (a) The person at whose request the instrument is protested:
 - (b) The place of protest;
- (c) The demand made and the answer given, if any, or the fact that the drawee or the acceptor or the maker could not be found.
 - 2. A protest may be made:
- (a) On the instrument or on a slip affixed thereto ("allonge"); or
- (b) As a separate document, in which case it must clearly identify the instrument that has been dishonoured.
- 3. Unless the instrument stipulates that protest must be made, a protest may he replaced by a declaration written on the instrument and signed and dated by the drawee or the acceptor or the maker, or, in the case of an instrument domiciled with a named person for payment, by that named person; the declaration must be to the effect that acceptance or payment is refused.
- 4. A declaration made in accordance with paragraph 3 of this article is a protest for the purpose of this Convention.

Article 61

Protest for dishonour of an instrument by non-acceptance or by non-payment must be made on the day on which the instrument is dishonoured or on one of the four business days which follow.

- 1. Delay in protesting an instrument for dishonour is excused if the delay is caused by circumstances which are beyond the control of the holder and which he could neither avoid nor overcome. When the cause of the delay ceases to operate, protest must be made with reasonable diligence.
- 2. Protest for dishonour by non-acceptance or by non-payment is dispensed with:
- (a) If the drawer, an endorser or a guarantor has expressly waived protest; such waiver:
 - If made on the instrument by the drawer, binds any subsequent party and benefits any holder;
 - (ii) If made on the instrument by a party other than the drawer, binds only that party but benefits any holder;
 - (iii) If made outside the instrument, binds only the party making it and benefits only a holder in whose favour it was made;
- (b) If the cause of the delay in making protest referred to in paragraph 1 of this article continues to operate beyond thirty days after the date of dishonour;
- (c) As regards the drawer of a bill, if the drawer and the drawee or the acceptor are the same person;

(d) If presentment for acceptance or for payment is dispensed with in accordance with article 52 or paragraph 2 of article 56.

Article 63

- 1. If an instrument which must be protested for non-acceptance or for non-payment is not duly protested, the drawer, the endorsers and their guarantors are not liable on it.
- 2. Failure to protest an instrument does not discharge the acceptor, the maker and their guarantors or the guarantor of the drawee of liability on it.

B. Notice of dishonour

Article 64

- 1. The holder, upon dishonour of an instrument by non-acceptance or by non-payment, must give notice of such dishonour:
 - (a) To the drawer and the last endorser;
- (b) To all other endorsers and guarantors whose addresses the holder can ascertain on the basis of information contained in the instrument.
- 2. An endorser or a guarantor who receives notice must give notice of dishonour to the last party preceding him and liable on the instrument.
- 3. Notice of dishonour operates for the benefit of any party who has a right of recourse on the instrument against the party notified.

Article 65

- 1. Notice of dishonour may be given in any form whatever and in any terms which identify the instrument and state that it has been dishonoured. The return of the dishonoured instrument is sufficient notice, provided it is accompanied by a statement indicating that it has been dishonoured.
- 2. Notice of dishonour is duly given if it is communicated or sent to the party to be notified by means appropriate in the circumstances, whether or not it is received by that party.
- 3. The burden of proving that notice has been duly given rests upon the person who is required to give such notice.

Article 66

Notice of dishonour must he given within the two business days which follow:

- (a) The day of protest or, if protest is dispensed with, the day of dishonour; or
 - (b) The day of receipt of notice of dishonour.

Article 67

- 1. Delay in giving notice of dishonour is excused if the delay is caused by circumstances which are beyond the control of the person required to give notice, and which he could neither avoid nor overcome. When the cause of the delay ceases to operate, notice must be given with reasonable diligence.
 - 2. Notice of dishonour is dispensed with:
- (a) If, after the exercise of reasonable diligence, notice cannot he given;
- (b) If the drawer, an endorser or a guarantor has expressly waived notice of dishonour; such waiver:
 - (i) If made on the instrument by the drawer, binds any subsequent party and benefits any holder;

- (ii) If made on the instrument by a party other than the drawer, binds only that party but benefits any holder;
- (iii) If made outside the instrument, binds only the party making it and benefits only a holder in whose favour it was made;
- (c) As regards the drawer of the bill, if the drawer and the drawee or acceptor are the same person.

Article 68

If a person who is required to give notice of dishonour fails to give it to any who is entitled to receive it, he is liable for any damages which that party may suffer from such failure, provided that such damages do not exceed the amount referred to in article 70 or article 71.

SECTION 4. AMOUNT PAYABLE

Article 69

- 1. The holder may exercise his rights on the instrument against any one party, or several or all parties, liable on it and is not obliged to observe the order in which the parties have become bound. Any party who takes up and pays the instrument may exercise his rights in the same manner against parties liable to him.
- 2. Proceedings against a party do not preclude proceedings against any other party, whether or not subsequent to the party originally proceeded against.

- 1. The holder may recover from any party liable:
- (a) At maturity: the amount of the instrument with interest, if interest has been stipulated for;
 - (b) After maturity:
 - (i) The amount of the instrument with interest, if interest has been stipulated for, to the date of maturity;
 - (ii) If interest has been stipulated to be paid after maturity, interest at the rate stipulated, or, in the absence of such stipulation, interest at the rate specified in paragraph 2 of this article, calculated from the date of presentment on the sum specified in subparagraph (b) (i) of this paragraph;
 - (iii) Any expenses of protest and of the notices given by him;
 - (c) Before maturity:
 - (i) The amount of the instrument with interest, if interest has been stipulated for, to the date of payment; or, if no interest has been stipulated for, subject to a discount from the date of payment to the date of maturity, calculated in accordance with paragraph 4 of this article;
 - (ii) Any expenses of protest and of the notices given by
- 2. The rate of interest shall be the rate that would be recoverable in legal proceedings taken in the jurisdiction where the instrument is payable.
- 3. Nothing in paragraph 2 of this article prevents a court from awarding damages or compensation for additional loss caused to the holder by reason of delay in payment.
- 4. The discount shall be at the official rate (discount rate) or other similar appropriate rate effective on the date when

recourse is exercised at the place where the holder has his principal place of business, or, if he does not have a place of business, his habitual residence, or, if there is no such rate, then at such rate as is reasonable in the circumstances.

Article 71

A party who pays an instrument and is thereby discharged in whole or in part of his liability on the instrument may recover from the parties liable to him:

- (a) The entire sum which he has paid;
- (b) Interest on that sum at the rate specified in paragraph 2 of article 70, from the date on which he made payment;
 - (c) Any expenses of the notices given by him.

CHAPTER VI. DISCHARGE

SECTION I. DISCHARGE BY PAYMENT

Article 72

- 1. A party is discharged of liability on the instrument when he pays the holder, or a party subsequent to himself who has paid the instrument and is in possession of it, the amount due pursuant to article 70 or article 71:
 - (a) At or after maturity; or
 - (b) Before maturity, upon dishonour by non-acceptance.
- 2. Payment before maturity other than under paragraph 1 (b) of this article does not discharge the party making the payment of his liability on the instrument except in respect of the person to whom payment was made.
- 3. A party is not discharged of liability if he pays a holder who is not a protected holder, or a party who has taken up and paid the instrument, and knows at the time of payment that the holder or that party acquired the instrument by theft or forged the signature of the payee or an endorsee, or participated in the theft or the forgery.
- 4. (a) A person receiving payment of an instrument must, unless agreed otherwise, deliver:
 - (i) To the drawee making such payment, the instrument;
 - (ii) To any other person making such payment, the instrument, a receipted account, and any protest.
- (b) In the case of an instrument payable by instalments at successive dates, the drawee or a party making a payment, other than payment of the last instalment, may require that mention of such payment be made on the instrument or on a slip affixed thereto ("allonge") and that a receipt therefor be given to him.
- (c) If an instrument payable by instalments at successive dates is dishonoured by non-acceptance or by non-payment as to any of its instalments and a party, upon dishonour, pays the instalment, the holder who receives such payment must give the party a certified copy of the instrument and any necessary authenticated protest in order to enable such party to exercise a right on the instrument.
- (d) The person from whom payment is demanded may withhold payment if the person demanding payment does not deliver the instrument to him. Withholding payment in these circumstances does not constitute dishonour by non-payment under article 58.
- (e) If payment is made but the person paying, other than the drawee, fails to obtain the instrument, such person is discharged but the discharge cannot be set up as a defence against

a protected holder to whom the instrument has been subsequently transferred.

Article 73

- 1. The holder is not obliged to take partial payment.
- 2. If the holder who is offered partial payment does not take it, the instrument is dishonoured by non-payment.
- 3. If the holder takes partial payment from the drawee, the guarantor of the drawee, or the acceptor or the maker:
- (a) The guarantor of the drawee, or the acceptor or the maker is discharged of his liability on the instrument to the extent of the amount paid;
- (b) The instrument is to be considered as dishonoured by non-payment as to the amount unpaid.
- 4. If the holder takes partial payment from a party to the instrument other than the acceptor, the maker or the guarantor of the drawee:
- (a) The party making payment is discharged of his liability on the instrument to the extent of the amount paid;
- (b) The holder must give such party a certified copy of the instrument and any necessary authenticated protest in order to enable such party to exercise a right on the instrument.
- 5. The drawee or a party making partial payment may require that mention of such payment be made on the instrument and that a receipt therefor be given to him.
- 6. If the balance is paid, the person who receives it and who is in possession of the instrument must deliver to the payor the receipted instrument and any authenticated protest.

Article 74

- 1. The holder may refuse to take payment at a place other than the place where the instrument was presented for payment in accordance with article 55.
- 2. In such case if payment is not made at the place where the instrument was presented for payment in accordance with article 55, the instrument is considered to he dishonoured by non-payment.

- I. An instrument must he paid in the currency in which the sum payable is expressed.
- 2. If the sum payable is expressed in a monetary unit of account within the meaning of subparagraph (l) of article 5 and the monetary unit of account is transferable between the person making payment and the person receiving it, then, unless the instrument specifies a currency of payment, payment shall he made by transfer of monetary units of account. If the monetary unit of account is not transferable between those persons, payment shall be made in the currency specified in the instrument or, if no such currency is specified, in the currency of the place of payment.
- 3. The drawer or the maker may indicate in the instrument that it must be paid in a specified currency other than the currency in which the sum payable is expressed. In that case:
- (a) The instrument must be paid in the currency so specified;
- (b) The amount payable is to be calculated according to the rate of exchange indicated in the instrument. Failing such indication, the amount payable is to be calculated according to the rate of exchange for sight drafts (or, if there is no such rate,

according to the appropriate established rate of exchange) on the date of maturity:

- (i) Ruling at the place where the instrument must be presented for payment in accordance with subparagraph (g) of article 55, if the specified currency is that of that place (local currency); or
- (ii) If the specified currency is not that of that place, according to the usages of the place where the instrument must be presented for payment in accordance with subparagraph (g) of article 55;
- (c) If such an instrument is dishonoured by non-acceptance, the amount payable is to be calculated:
 - (i) If the rate of exchange is indicated in the instrument, according to that rate;
 - (ii) If no rate of exchange is indicated in the instrument, at the option of the holder, according to the rate of exchange ruling on the date of dishonour or on the date of actual payment;
- (d) If such an instrument is dishonoured by non-payment, the amount payable is to be calculated:
 - (i) If the rate of exchange is indicated in the instrument, according to that rate;
 - (ii) If no rate of exchange is indicated in the instrument, at the option of the holder, according to the rate of exchange ruling on the date of maturity or on the date of actual payment.
- 4. Nothing in this article prevents a court from awarding damages for loss caused to the holder by reason of fluctuations in rates of exchange if such loss is caused by dishonour for non-acceptance or by non-payment.
- 5. The rate of exchange ruling at a certain date is the rate of exchange ruling, at the option of the holder, at the place where the instrument must be presented for payment in accordance with subparagraph (g) of article 55 or at the place of actual payment.

Article 76

- 1. Nothing in this Convention prevents a Contracting State from enforcing exchange control regulations applicable in its territory and its provisions relating to the protection of its currency, including regulations which it is bound to apply by virtue of international agreements to which it is a party.
- (a) If, by virtue of the application of paragraph 1 of this article, an instrument drawn in a currency which is not that of the place of payment must he paid in local currency, the amount payable is to be calculated according to the rate of exchange for sight drafts (or, if there is no such rate, according to the appropriate established rate of exchange) on the date of presentation ruling at the place where the instrument must be presented for payment in accordance with subparagraph (g) of article 55.
 - (b) (i) If such an instrument is dishonoured by non-acceptance, the amount payable is to be calculated, at the option of the holder, at the rate of exchange ruling on the date of dishonour or on the date of actual payment.
 - (ii) If such an instrument is dishonoured by non-payment, the amount is to be calculated, at the option of the holder, according to the rate of exchange ruling on the date of presentment or on the date of actual payment.

(iii) Paragraphs 4 and 5 of article 75 are applicable where appropriate.

SECTION 2. DISCHARGE OF OTHER PARTIES

Article 77

- 1. If a party is discharged in whole or in part of his liability on the instrument, any party who has a right on the instrument against him is discharged to the same extent.
- 2. Payment by the drawee of the whole or a part of the amount of a bill to the holder, or to any party who takes up and pays the bill, discharges all parties of their liability to the same extent, except where the drawee pays a holder who is not a protected holder, or a party who has taken up and paid the bill, and knows at the time of payment that the holder or that party acquired the bill by theft or forged the signature of a payee or an endorsee, or participated in the theft or the forgery.

CHAPTER VII. LOST INSTRUMENTS

Article 78

- 1. If an instrument is lost, whether by destruction, theft or otherwise, the person who lost the instrument has, subject to the provisions of paragraph 2 of this article, the same right to payment which he would have had if he had been in possession of the instrument. The party from whom payment is claimed cannot set up as a defence against liability on the instrument the fact that the person claiming payment is not in possession of the instrument.
- 2. (a) The person claiming payment of a lost instrument must state in writing to the party from whom he claims payment:
 - (i) The elements of the lost instrument pertaining to the requirements set forth in paragraph 1 or paragraph 2 of articles 1, 2 and 3; for this purpose the person claiming payment of the lost instrument may present to that party a copy of that instrument;
 - (ii) The facts showing that, if he had been in possession of the instrument, he would have had a right to payment from the party from whom payment is claimed;
 - (iii) The facts which prevent production of the instrument.
- (b) The party from whom payment of a lost instrument is claimed may require the person claiming payment to give security in order to indemnify him for any loss which he may suffer by reason of the subsequent payment of the lost instrument.
- (c) The nature of the security and its terms are to be determined by agreement between the person claiming payment and the party from whom payment is claimed. Failing such an agreement, the court may determine whether security is called for and, if so, the nature of the security and its terms.
- (d) If the security cannot be given, the court may order the party from whom payment is claimed to deposit the sum of the lost instrument, and any interest and expenses which may be claimed under article 70 or article 71, with the court or any other competent authority or institution, and may determine the duration of such deposit. Such deposit is to be considered as payment to the person claiming payment.

Article 79

1. A party who has paid a lost instrument and to whom the instrument is subsequently presented for payment by an-

other person must give notice of such presentment to the person whom he paid.

- 2. Such notice must be given on the day the instrument is presented or on one of the two business days which follow and must state the name of the person presenting the instrument and the date and place of presentment.
- 3. Failure to give notice renders the party who has paid the lost instrument liable for any damages which the person whom he paid may suffer from such failure, provided that the damages do not exceed the amount referred to in article 70 or article 71.
- 4. Delay in giving notice is excused when the delay is caused by circumstances which are beyond the control of the person who has paid the lost instrument and which he could neither avoid nor overcome. When the cause of the delay ceases to operate, notice must be given with reasonable diligence.
- 5. Notice is dispensed with when the cause of delay in giving notice continues to operate beyond thirty days after the last day on which it should have been given.

Article 80

- 1. A party who has paid a lost instrument in accordance with the provisions of article 78 and who is subsequently required to, and does, pay the instrument, or who, by reason of the loss of the instrument, then loses his right to recover from any party liable to him, has the right:
 - (a) If security was given, to realize the security; or
- (b) If an amount was deposited with the court or other competent authority or institution, to reclaim the amount so deposited.
- 2. The person who has given security in accordance with the provisions of paragraph 2 (b) of article 78 is entitled to obtain release of the security when the party for whose benefit the security was given is no longer at risk to suffer loss because of the fact that the instrument is lost.

Article 81

For the purpose of making protest for dishonour by nonpayment, a person claiming payment of a lost instrument may use a written statement that satisfies the requirements of paragraph 2 (a) of article 78.

Article 82

A person receiving payment of a lost instrument in accordance with article 78 must deliver to the party paying the written statement required under paragraph 2 (a) of article 78, receipted by him, and any protest and a receipted account.

Article 83

- 1. A party who pays a lost instrument in accordance with article 78 has the same rights which he would have had if he had been in possession of the instrument.
- 2. Such party may exercise his rights only if he is in possession of the receipted written statement referred to in article 82.

CHAPTER VIII. LIMITATION (PRESCRIPTION)

Article 84

1. A right of action arising on an instrument may no longer be exercised after four years have elapsed:

- (a) Against the maker, or his guarantor, of a note payable on demand, from the date of the note;
- (b) Against the acceptor or the maker or their guarantor of an instrument payable at a definite time, from the date of maturity;
- (c) Against the guarantor of the drawee of a bill payable at a definite time, from the date of maturity or, if the bill is dishonoured by non-acceptance, from the date of protest for dishonour or, where protest is dispensed with, from the date of dishonour;
- (d) Against the acceptor of a bill payable on demand or his guarantor, from the date on which it was accepted or, if no such date is shown, from the date of the bill;
- (e) Against the guarantor of the drawee of a bill payable on demand, from the date on which he signed the bill or, if no such date is shown, from the date of the bill;
- (f) Against the drawer or an endorser or their guarantor, from the date of protest for dishonour by non-acceptance or by non-payment or, where protest is dispensed with, from the date of dishonour.
- 2. A party who pays the instrument in accordance with article 70 or article 71 may exercise his right of action against a party liable to him within one year from the date on which he paid the instrument.

CHAPTER IX. FINAL PROVISIONS

Article 85

The Secretary-General of the United Nations is hereby designated as the Depositary for this Convention.

Article 86

- 1. This Convention is open for signature by all States at the Headquarters of the United Nations, New York, until 30 June 1990.
- 2. This Convention is subject to ratification, acceptance or approval by the signatory States.
- 3. This Convention is open for accession by all States which are not signatory States as from the date it is open for signature.
- 4. Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary-General of the United Nations.

- 1. If a Contracting State has two or more territorial units in which, according to its constitution, different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.
- 2. These declarations are to be notified to the Depositary and are to state expressly the territorial units to which the Convention extends.
- 3. If a Contracting State makes no declaration under paragraph 1 of this article, the Convention is to extend to all territorial units of that State.

- 1. Any State may declare at the time of signature, ratification, acceptance, approval or accession that its courts will apply the Convention only if both the place indicated in the instrument where the bill is drawn, or the note is made, and the place of payment indicated in the instrument are situated in Contracting State.
 - 2. No other reservations arc permitted.

Article 89

- 1. This Convention enters into force on the first day of the month following the expiration of twelve months after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession.
- 2. When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State on the first day of the month following the expiration of twelve months after the date of deposit of its instrument of ratification. acceptance, approval or accession.

- 1. A Contracting State may denounce this Convention by a formal notification in writing addressed to the Depositary.
- 2. The denunciation takes effect on the first day of the month following the expiration of six months after the notification is received by the Depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the Depositary. The Convention remains applicable to instruments drawn or made before the date at which the denunciation takes effect.

DONE at ..., this ... day of ..., one thousand nine hundred and ... in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

9 December 1988

SCOPE OF THE BODY OF PRINCIPLES

These principles apply for the protection of all persons under any form of detention or imprisonment.

USE OF TERMS

For the purposes of the Body of Principles:

- (a) "Arrest" means the act of apprehending a person for the alleged commission of an offence or by the action of an authority;
- (b) "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence;
- (c) "Imprisoned person" means any person deprived of personal liberty as a result of conviction for an offence;
- (d) "Detention" means the condition of detained persons as defined above;
- (e) "Imprisonment" means the condition of imprisoned persons as defined above;
- (f) The words "a judicial or other authority" means a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence.

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 2

Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose.

Principle 3

There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent.

Principle 4

Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority.

Principle 5

- 1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.
- 2. Measures applied under the law and designed solely to protect the rights and special status of women, especially preg-

nant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of, such measures shall always be subject to review by a judicial or other authority.

Principle 6

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.* No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Principle 7

- 1. States should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints.
- 2. Officials who have reason to believe that a violation of this Body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers.
- 3. Any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the right to report the matter to the superiors of the officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers.

Principle 8

Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 9

The authorities which arrest a person, keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority.

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

- 1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.
- 2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.
- 3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Principle 12

- 1. There shall be duly recorded:
- (a) The reasons for the arrest;
- (b) The time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority;
- (c) The identity of the law enforcement officials concerned:
 - (d) Precise information concerning the place of custody.
- 2. Such records shall be communicated to the detained person, or his counsel, if any, in the form prescribed by law.

Principle 13

Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.

Principle 14

A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15

Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 16

- 1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.
- 2. If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.
- 3. If a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians.
- 4. Any notification referred to in the present principle shall be made or permitted to be made without delay. The

competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require.

Principle 17

- 1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.
- 2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18

- 1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.
- A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.
- 3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.
- 4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.
- 5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 20

If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence.

Principle 21

- 1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
- 2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement.

Principle 22

No detained or imprisoned person shall, even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health.

Principle 23

- 1. The duration of any interrogation of a detained or imprisoned person and of the intervals between interrogations as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law.
- 2. A detained or imprisoned person, or his counsel when provided by law, shall have access to the information described in paragraph 1 of the present principle.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Principle 25

A detained or imprisoned person or his counsel shall, subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, have the right to request or petition a judicial or other authority for a second medical examination or opinion.

Principle 26

The fact that a detained or imprisoned person underwent a medical examination, the name of the physician and the results of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law.

Principle 27

Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person.

Principle 28

A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 29

- In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.
- 2. A detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the persons who visit the places of detention or imprisonment in accordance

with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places.

Principle 30

- 1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.
- 2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

Principle 31

The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 32

- 1. A detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful.
- 2. The proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority.

Principle 33

- 1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.
- 2. In those cases where neither the detained or imprisoned person nor his counsel has the possibility to exercise his rights under paragraph 1 of the present principle, a member of the family of the detained or imprisoned person or any other person who has knowledge of the case may exercise such rights.
- 3. Confidentiality concerning the request or complaint shall be maintained if so requested by the complainant.
- 4. Every request or complaint shall be promptly dealt with and replied to without undue delay. If the request or complaint is rejected or, in case of inordinate delay, the complainant shall be entitled to bring it before a judicial or other authority. Neither the detained or imprisoned person nor any complainant under paragraph 1 of the present principle shall suffer prejudice for making a request or complaint.

Principle 34

Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at

the instance of a member of the family of such a person or any person who has knowledge of the case. When circumstances so warrant, such an inquiry shall be held on the same procedural basis whenever the death or disappearance occurs shortly after the termination of the detention or imprisonment. The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation.

Principle 35

- 1. Damage incurred because of acts or omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.
- 2. Information required to be recorded under these principles shall be available in accordance with procedures provided by domestic law for use in claiming compensation under the present principle.

Principle 36

- 1. A detained person suspected of or charged with a criminal offence shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- 2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the

maintenance of security and good order in the place of detention shall be forbidden.

Principle 37

A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody.

Principle 38

A person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial.

Principle 39

Except in special cases provided for by law, a person detained on a criminal charge shall be entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to the conditions that may be imposed in accordance with the law. Such authority shall keep the necessity of detention under review.

General clause

Nothing in this Body of Principles shall be construed as restricting or derogating from any right defined in the International Covenant on Civil and Political Rights.

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

14 December 1990

1. GENERAL PRINCIPLES

1. Fundamental aims

- 1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.
- 1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
- 1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.
- 1.4 When implementing the Rules, Member States shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.
- 1.5 Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

2. The scope of non-custodial measures

- 2.1 The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice. For the purposes of the Rules, these persons are referred to as "offenders", irrespective of whether they are suspected, accused or sentenced.
- 2.2 The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2.3 In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way that consistent sentencing remains possible.
- 2.4 The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.
- 2.5 Consideration shall be given to dealing with offenders in the community, avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.

- 2.6 Non-custodial measures should be used in accordance with the principle of minimum intervention.
- 2.7 The use of non-custodial measures should be part of the movement towards depenalization and decriminalization instead of interfering with or delaying efforts in that direction.

3. Legal safeguards

- 3.1 The introduction, definition and application of noncustodial measures shall be prescribed by law.
- 3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, the background of the offender, the purposes of sentencing and the rights of victims.
- 3.3 Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full accountability and only in accordance with the rule of law.
- 3.4 Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceedings or trial, shall require the offender's consent.
- 3.5 Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.
- 3.6 The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.
- 3.7 Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognized human rights.
- 3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.
- 3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.
- 3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.
- 3.11 In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.
- 3.12 The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

4. Saving clause

4.1 Nothing in the present Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice

(The Beijing Rules), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment or any other human rights instruments and standards recognized by the international community and relating to the treatment of offenders and the protection of their basic human rights.

II. PRE-TRIAL STAGE

5. Pre-trial dispositions

5.1 Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime prevention or the promotion of respect for the law and the rights of victims. For the purpose of deciding upon the appropriateness of discharge or determination of proceedings, a set of established criteria shall be developed within each legal system. For minor cases the prosecutor may impose suitable non-custodial measures, as appropriate.

6. Avoidance of pre-trial detention

- 6.1. Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.
- 6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 6.1 and shall be administered humanely and with respect for the inherent dignity of human beings.
- 6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pretrial detention is employed.

III. TRIAL AND SENTENCING STAGE

7. Social inquiry reports

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

8. Sentencing dispositions

- 8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.
- 8.2 Sentencing authorities may dispose of cases in the following ways:
- (a) Verbal sanctions, such as admonition, reprimand and warning;
 - (b) Conditional discharge;
 - (c) Status penalties;
- (d) Economic sanctions and monetary penalties, such as fines and day-fines;

- (e) Confiscation or an expropriation order;
- (f) Restitution to the victim or a compensation order;
- (g) Suspended or deferred sentence;
- (h) Probation and judicial supervision;
- (i) A community service order;
- (j) Referral to an attendance centre;
- (k) House arrest;
- (1) Any other mode of non-institutional treatment;
- (m) Some combination of the measures listed above.

IV. POST-SENTENCING STAGE

9. Post-sentencing dispositions

- 9.1 The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.
 - 9.2 Post-sentencing dispositions may include:
 - (a) Furlough and half-way houses;
 - (b) Work or education release
 - (c) Various forms of parole;
 - (d) Remission;
 - (e) Pardon.
- 9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.
- 9.4 Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

V. IMPLEMENTATION OF NON-CUSTODIAL MEASURES

10. Supervision

- 10.1 The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime.
- 10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.
- 10.3 Within the framework of a given non-custodial measure the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.
- 10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

11. Duration

- 11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.
- 11.2 Provision may be made for early termination of the measure if the offender has responded favourably to it.

12. Conditions

- 12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.
- 12.2 The conditions to be observed shall be practical, precise and as few as possible, and shall be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and at increasing the offender's chances of social integration, taking into account the needs of the victim.
- 12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.
- 12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

13. Treatment process

- 13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as casework, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.
- 13.2 Treatment should be conducted by professionals who have suitable training and practical experience.
- 13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

- 13.4 The competent authority may involve the community and social support systems in the application of noncustodial measures.
- 13.5 Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.
- 13.6 For each offender, a case record shall be established and maintained by the competent authority.

14. Discipline and breach of conditions

- 14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.
- 14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.
- 14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.
- 14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.
- 14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.
- 14.6 Upon modification or revocation of the noncustodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

Basic Principles for the Treatment of Prisoners

14 December 1990

- 1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.
- 2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
- 4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of ail members of society.
- 5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as

well as such other rights as are set out in other United Nations covenants.

- 6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.
- 7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.
- 8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.
- 9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.
- 10. With the participation and help of the community and social institution, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.
 - 11. The above Principles shall be applied impartially.

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)

14 December 1990

I. FUNDAMENTAL PRINCIPLES

- 1. The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes.
- 2. The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood.
- 3. For the purposes of the interpretation of the present Guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control.
- 4. In the implementation of the present Guidelines, in accordance with national legal systems, the well-being of young persons from their early childhood should be the focus of any preventive programme.
- 5. The need for and importance of progressive delinquency prevention policies and the systematic study and the elaboration of measures should be recognized. These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others. Such policies and measures should involve:
- (a) The provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection;
- (b) Specialized philosophies and approaches for delinquency prevention, on the basis of laws, processes, institutions, facilities and a service delivery network aimed at reducing the motivation, need and opportunity for, or conditions giving rise to, the commission of infractions;
- (c) Official intervention to be pursued primarily in the overall interest of the young person and guided by fairness and equity;
- (d) Safeguarding the well-being, development, rights and interests of all young persons;
- (e) Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood:
- (f) Awareness that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributes to the development of a consistent pattern of undesirable behaviour by young persons.
- 6. Community-based services and programmes should be developed for the prevention of juvenile delinquency, particu-

larly where no agencies have yet been established. Formal agencies of social control should only be utilized as a means of last resort.

II. SCOPE OF THE GUIDELINES

- 7. The present Guidelines should be interpreted and implemented within the broad framework of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration of the Rights of the Child and the Convention on the Rights of the Child, and in the context of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), as well as other instruments and norms relating to the rights, interests and well-being of all children and young persons.
- 8. The present Guidelines should also be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

III. GENERAL PREVENTION

- Comprehensive prevention plans should be instituted at every level of Government and include the following:
- (a) In-depth analyses of the problem and inventories of programmes, services, facilities and resources available;
- (b) Well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts;
- (c) Mechanisms for the appropriate co-ordination of prevention efforts between governmental and non-governmental agencies:
- (d) Policies, programmes and strategies based on prognostic studies to be continuously monitored and carefully evaluated in the course of implementation;
- (e) Methods for effectively reducing the opportunity to commit delinquent acts;
- (f) Community involvement through a wide range of services and programmes;
- (g) Close interdisciplinary cooperation between national, State, provincial and local governments, with the involvement of the private sector, representative citizens of the community to be served, and labour, child-care, health education, social, law enforcement and judicial agencies in taking concerted action to prevent juvenile delinquency and youth crime;
- (h) Youth participation in delinquency prevention policies and processes, including recourse to community resources, youth self-help, and victim compensation and assistance programmes;
 - (i) Specialized personnel at all levels.

IV. SOCIALIZATION PROCESSES

10. Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and

the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.

A. Family

- 11. Every society should place a high priority on the needs and well-being of the family and of all its members.
- 12. Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well-being of children. Adequate arrangements including daycare should be provided.
- 13. Governments should establish policies that are conducive to the bringing up of children in stable and settled family environments. Families in need of assistance in the resolution of conditions of instability or conflict should be provided with requisite services.
- 14. Where a stable and settled family environment is lacking and when community efforts to assist parents in this regard have failed and the extended family cannot fulfil this role, alternative placements, including foster care and adoption, should be considered. Such placements should replicate, to the extent possible, a stable and settled family environment, while, at the same time, establishing a sense of permanency for children, thus avoiding problems associated with "foster drift".
- 15. Special attention should be given to children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular the children of indigenous, migrant and refugee families. As such changes may disrupt the social capacity of the family to secure the traditional rearing and nurturing of children, often as a result of role and culture conflict, innovative and socially constructive modalities for the socialization of children have to be designed.
- 16. Measures should be taken and programmes developed to provide families with the opportunity to learn about parental roles and obligations as regards child development and child care, promoting positive parent-child relationships, sensitizing parents to the problems of children and young persons and encouraging their involvement in family and community-based activities.
- 17. Governments should take measures to promote family cohesion and harmony and to discourage the separation of children from their parents, unless circumstances affecting the welfare and future of the child leave no viable alternative.
- 18. It is important to emphasize the socialization function of the family and extended family; it is also equally important to recognize the future role, responsibilities, participation and partnership of young persons in society.
- 19. In ensuring the right of the child to proper socialization, Governments and other agencies should rely on existing social and legal agencies, but, whenever traditional institutions and customs are no longer effective, they should also provide and allow for innovative measures.

B. Education

- 20. Governments are under an obligation to make public education accessible to all young persons.
- 21. Education systems should, in addition to their academic and vocational training activities, devote particular attention to the following:
- (a) Teaching of basic values and developing respect for the child's own cultural identity and patterns, for the social values of the country in which the child is living, for civilizations different from the child's own and for human rights and fundamental freedoms:
- (b) Promotion and development of the personality, talents and mental and physical abilities of young people to their fullest potential;
- (c) Involvement of young persons as active and effective participants in, rather than mere objects of, the educational process;
- (d) Undertaking activities that foster a sense of identity with and of belonging to the school and the community;
- (e) Encouragement of young persons to understand and respect diverse views and opinions, as well as cultural and other differences;
- (f) Provision of information and guidance regarding vocational training, employment opportunities and career development;
- (g) Provision of positive emotional support to young persons and the avoidance of psychological maltreatment;
- (h) Avoidance of harsh disciplinary measures, particularly corporal punishment.
- 22. Educational systems should seek to work together with parents, community organizations and agencies concerned with the activities of young persons.
- 23. Young persons and their families should be informed about the law and their rights and responsibilities under the law, as well as the universal value system, including United Nations instruments.
- 24. Educational systems should extend particular care and attention to young persons who are at social risk. Specialized prevention programmes and educational materials, curricula, approaches and tools should be developed and fully utilized.
- 25. Special attention should be given to comprehensive policies and strategies for the prevention of alcohol, drug and other substance abuse by young persons. Teachers and other professionals should be equipped and trained to prevent and deal with these problems. Information on the use and abuse of drugs, including alcohol, should be made available to the student body.
- 26. Schools should serve as resource and referral centres for the provision of medical, counselling and other services to young persons, particularly those with special needs and suffering from abuse, neglect, victimization and exploitation.
- 27. Through a variety of educational programmes, teachers and other adults and the student body should be sensitized to the problems, needs and perceptions of young persons, particularly those belonging to underprivileged, disadvantaged, ethnic or other minority and low-income groups.
- 28. School systems should attempt to meet and promote the highest professional and educational standards with respect

to curricula, teaching and learning methods and approaches, and the recruitment and training of qualified teachers. Regular monitoring and assessment of performance by the appropriate professional organizations and authorities should be ensured.

- 29. School systems should plan, develop and implement extracurricular activities of interest to young persons, in cooperation with community groups.
- 30. Special assistance should be given to children and young persons who find it difficult to comply with attendance codes, and to "drop-outs".
- 31. Schools should promote policies and rules that are fair and just; students should be represented in bodies formulating policy, including policy on discipline, and decision-making.

C. Community

- 32. Community-based services and programmes which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed, or strengthened where they exist.
- 33. Communities should provide, or strengthen where they exist, a wide range of community-based support measures for young persons, including community development centres, recreational facilities and services to respond to the special problems of children who are at social risk. In providing these helping measures, respect for individual rights should be ensured.
- 34. Special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home or who do not have homes to live in.
- 35. A range of services and helping measures should be provided to deal with the difficulties experienced by young persons in the transition to adulthood. Such services should include special programmes for young drug abusers which emphasize care, counselling, assistance and therapy-oriented interventions.
- 36. Voluntary organizations providing services for young persons should be given financial and other support by Governments and other institutions.
- 37. Youth organizations should be created or strengthened at the local level and given full participatory status in the management of community affairs. These organizations should encourage youth to organize collective and voluntary projects, particularly projects aimed at helping young persons in need of assistance.
- 38. Government agencies should take special responsibility and provide necessary services for homeless or street children; information about local facilities, accommodation, employment and other forms and sources of help should be made readily available to young persons.
- 39. A wide range of recreational facilities and services of particular interest to young persons should be established and made easily accessible to them.

D. Mass media

- 40. The mass media should be encouraged to ensure that young persons have access to information and material from a diversity of national and international sources.
- 41. The mass media should be encouraged to portray the positive contribution of young persons to society.

- 42. The mass media should be encouraged to disseminate information on the existence of services, facilities and opportunities for young persons in society.
- 43. The mass media generally, and the television and film media in particular, should be encouraged to minimize the level of pornography, drugs and violence portrayed and to display violence and exploitation disfavourably, as well as to avoid demeaning and degrading presentations, especially of children, women and interpersonal relations, and to promote egalitarian principles and roles.
- 44. The mass media should be aware of its extensive social role and responsibility, as well as its influence, in communications relating to youthful drug and alcohol abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach. Effective drug awareness campaigns at all levels should be promoted.

V. SOCIAL POLICY

- 45. Government agencies should give high priority to plans and programmes for young persons and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff for adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.
- 46. The institutionalization of young persons should be a measure of last resort and for the minimum necessary period, and the best interests of the young person should be of paramount importance. Criteria authorizing formal intervention of this type should be strictly defined and limited to the following situations: (a) where the child or young person has suffered harm that has been inflicted by the parents or guardians; (b) where the child or young person has been sexually, physically or emotionally abused by the parents or guardians; (c) where the child or young person has been neglected, abandoned or exploited by the parents or guardians; (d) where the child or young person is threatened by physical or moral danger due to the behaviour of the parents or guardians; and (e) where a serious physical or psychological danger to the child or young person has manifested itself in his or her own behaviour and neither the parents, the guardians, the juvenile himself or herself nor non-residential community services can meet the danger by means other than institutionalization.
- 47. Government agencies should provide young persons with the opportunity of continuing in full-time education, funded by the State where parents or guardians are unable to support the young persons, and of receiving work experience.
- 48. Programmes to prevent delinquency should be planned and developed on the basis of reliable, scientific research findings, and periodically monitored, evaluated and adjusted accordingly.
- 49. Scientific information should be disseminated to the professional community and to the public at large about the sort of behaviour or situation which indicates or may result in physical and psychological victimization, harm and abuse, as well as exploitation, of young persons.
- 50. Generally, participation in plans and programmes should be voluntary. Young persons themselves should be involved in their formulation, development and implementation.

51. Government should begin or continue to explore, develop and implement policies, measures and strategies within and outside the criminal justice system to prevent domestic violence against and affecting young persons and to ensure fair treatment to these victims of domestic violence.

VI. LEGISLATION AND JUVENILE JUSTICE ADMINISTRATION

- 52. Governments should enact and enforce specific laws and procedures to promote and protect the rights and well-being of all young persons.
- 53. Legislation preventing the victimization, abuse, exploitation and the use for criminal activities of children and young persons should be enacted and enforced.
- 54. No child or young person should be subjected to harsh or degrading correction or punishment measures at home, in schools or in any other institutions.
- 55. Legislation and enforcement aimed at restricting and controlling accessibility of weapons of any sort to children and young persons should be pursued.
- 56. In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person.
- 57. Consideration should be given to the establishment of an office of ombudsman or similar independent organ, which would ensure that the status, rights and interests of young persons are upheld and that proper referral to available services is made. The ombudsman or other organ designated would also supervise the implementation of the Riyadh Guidelines, the Beijing Rules and the Rules for the Protection of Juveniles Deprived of their Liberty. The ombudsman or other organ would, at regular intervals, publish a report on the progress made and on the difficulties encountered in the implementation of the instrument. Child advocacy services should also be established.
- 58. Law enforcement and other relevant personnel, of both sexes, should be trained to respond to the special needs of young persons and should be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of young persons from the justice system.

59. Legislation should be enacted and strictly enforced to protect children and young persons from drug abuse and drug traffickers.

VII. RESEARCH, POLICY DEVELOPMENT AND CO-ORDINATION

- 60. Efforts should be made and appropriate mechanisms established to promote, on both a multidisciplinary and an intradisciplinary basis, interaction and co-ordination between economic, social, education and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions.
- 61. The exchange of information, experience and expertise gained through projects, programmes, practices and initiatives relating to youth crime, delinquency prevention and juvenile justice should be intensified at the national, regional and international levels.
- 62. Regional and international cooperation on matters of youth crime, delinquency prevention and juvenile justice involving practitioners, experts and decision makers should be further developed and strengthened.
- 63. Technical and scientific cooperation on practical and policy-related matters, particularly in training, pilot and demonstration projects, and on specific issues concerning the prevention of youth crime and juvenile delinquency should be strongly supported by all Governments, the United Nations system and other concerned organizations.
- 64. Collaboration should be encouraged in undertaking scientific research with respect to effective modalities for youth crime and juvenile delinquency prevention, and the findings of such research should be widely disseminated and evaluated.
- 65. Appropriate United Nations bodies, institutes, agencies and offices should pursue close collaboration and coordination on various questions related to children, juvenile justice and youth crime and juvenile delinquency prevention.
- 66. On the basis of the present Guidelines, the United Nations Secretariat, in cooperation with interested institutions, should play an active role in the conduct of research, scientific collaboration, the formulation of policy options and the review and monitoring of their implementation, and should serve as a source of reliable information on effective modalities for delinquency prevention.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

14 December 1990

I. FUNDAMENTAL PERSPECTIVES

- 1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.
- 2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.
- 3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.
- 4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.
- The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.
- 6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings.
- 7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.
- 8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.
- 9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.

10. In the event that the practical application of particular Rules contained in sections II to V, inclusive, presents any conflict with the Rules contained in the present section, compliance with the latter shall be regarded as the predominant requirement.

II. SCOPE AND APPLICATION OF THE RULES

- 11. For the purposes of the Rules, the following definitions should apply:
- (a) A juvenile is every person under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law;
- (b) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.
- 12. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.
- 13. Juveniles deprived of their liberty shall not for any reason related to their status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty.
- 14. The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorized to visit the juveniles and not belonging to the detention facility.
- 15. The Rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional settings in which juveniles are detained, and section III applies specifically to juveniles under arrest or awaiting trial.
- 16. The Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

III. JUVENILES UNDER ARREST OR AWAITING TRIAL

17. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When

preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. Untried detainees should be separated from convicted juveniles.

- 18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following:
- (a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications;
- (b) Juveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention;
- (c) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

IV. THE MANAGEMENT OF JUVENILE FACILITIES

A. Records

- 19. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow an appropriate third party to have access to and to consult the file on request. Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.
- 20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.
 - B. Admission, registration, movement and transfer
- 21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:
 - (a) Information on the identity of the juvenile;
- (b) The fact of and reasons for commitment and the authority therefor;
 - (c) The day and hour of admission, transfer and release;
- (d) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment;
- (e) Details of known physical and mental health problems, including drug and alcohol abuse.

- 22. The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.
- 23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.
- 24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.
- 25. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints, and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.
- 26. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

C. Classification and placement

- 27. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.
- 28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.
- 29. In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been shown to be beneficial for the juveniles concerned.

30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

D. Physical environment and accommodation

- 31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.
- 32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there are known health or other hazards or risks.
- 33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.
- 34. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.
- 35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological wellbeing of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.
- 36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving

- a facility for any purpose should be allowed to wear their own clothing.
- 37. Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal mealtimes and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking-water should be available to every juvenile at any time.

E. Education, vocational training and work

- 38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.
- 39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.
- 40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.
- 41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.
- 42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.
- 43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.
- 44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.
- 45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.
- 46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the

remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.

F. Recreation

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

G. Religion

48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

H. Medical care

- 49. Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.
- 50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.
- 51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

- 52. Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the wellbeing of the juvenile.
- 53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.
- 54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcoholdependent juveniles.
- 55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testees in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

I. Notification of illness, injury and death

- 56. The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.
- 57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.
- 58. A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

J. Contacts with the wider community

- 59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.
- 60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.
- 61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.
- 62. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

K. Limitations of physical restraint and the use of force

- 63. Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below.
- 64. Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.
- 65. The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

L. Disciplinary procedures

- 66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.
- 67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the

- physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.
- 68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:
 - (a) Conduct constituting a disciplinary offence;
- (b) Type and duration of disciplinary sanctions that may be inflicted;
 - (c) The authority competent to impose such sanctions;
 - (d) The authority competent to consider appeals.
- 69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.
- 70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.
- 71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

M. Inspection and complaints

- 72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.
- 73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.
- 74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal

provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

- 75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.
- 76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.
- 77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.
- 78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

N. Return to the community

- 79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.
- 80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

V. PERSONNEL

- 81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.
- 82. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

- 83. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.
- 84. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance cooperation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.
- 85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.
- 86. The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.
- 87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:
- (a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;
- (b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;
- (c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;
- (d) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;
- (e) All personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;
- (f) All personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

Model Treaty on Extradition

14 December 1990

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Desirous of making more effective the co-operation of the two countries in the control of crime by concluding a treaty on extradition,

Have agreed as follows:

Article 1 Obligation to extradite

Each Party agrees to extradite to the other, upon request and subject to the provisions of the present Treaty, any person who is wanted in the requesting State for prosecution for an extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence.¹

Article 2 Extraditable offences

- 1. For the purposes of the present Treaty, extraditable offences are offences that are punishable under the laws of both Parties by imprisonment or other deprivation of liberty for a maximum period of at least [one/two] year(s), or by a more severe penalty. Where the request for extradition relates to a person who is wanted for the enforcement of a sentence of imprisonment or other deprivation of liberty imposed for such an offence, extradition shall be granted only if a period of at least [four/six] months of such sentence remains to be served.
- 2. In determining whether an offence is an offence punishable under the laws of both Parties, it shall not matter whether:
- (a) The laws of the Parties place the acts or omissions constituting the offence within the same category of offence or denominate the offence by the same terminology;
- (b) Under the laws of the Parties the constituent elements of the offence differ, it being understood that the totality of the acts or omissions as presented by the requesting State shall be taken into account.
- 3. Where extradition of a person is sought for an offence against a law relating to taxation, customs duties, exchange control or other revenue matters, extradition may not be refused on the ground that the law of the requested State does not impose the same kind of tax or duty or does not contain a tax, customs duty or exchange regulation of the same kind as the law of the requesting State.²
- 4. If the request for extradition includes several separate offences each of which is punishable under the laws of both Parties, but some of which do not fulfil the other conditions set out in paragraph 1 of the present article, the requested Party may grant extradition for the latter offences provided that the person is to be extradited for at least one extraditable offence.

1Reference to the imposition of a sentence may not be necessary for all countries

²Some countries may wish to omit this paragraph or provide an optional ground for refusal under article 4.

Article 3 Mandatory grounds for refusal

Extradition shall not be granted in any of the following circumstances:

- (a) If the offence for which extradition is requested is regarded by the requested State as an offence of a political nature;³
- (b) If the requested State has substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinions, sex or status, or that that person's position may be prejudiced for any of those reasons;
- (c) If the offence for which extradition is requested is an offence under military law, which is not also an offence under ordinary criminal law;
- (d) If there has been a final judgement rendered against the person in the requested State in respect of the offence for which the person's extradition is requested;
- (e) If the person whose extradition is requested has, under the law of either Party, become immune from prosecution or punishment for any reason, including lapse of time or amnesty;⁴
- (f) If the person whose extradition is requested has been or would be subjected in the requesting State to torture or cruel, inhuman or degrading treatment or punishment or if that person has not received or would not receive the minimum guarantees in criminal proceedings, as contained in the International Covenant on Civil and Political Rights, article 14;
- (g) If the judgement of the requesting State has been rendered *in absentia*, the convicted person has not had sufficient notice of the trial or the opportunity to arrange for his or her defence and he has not had or will not have the opportunity to have the case retried in his or her presence.⁵

Article 4 Optional grounds for refusal

Extradition may be refused in any of the following circumstances:

(a) If the person whose extradition is requested is a national of the requested State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view

³Some countries may wish to add the following text: "Reference to an offence of a political nature shall not include any offence in respect of which the Parties have assumed an obligation, pursuant to any multilateral convention, to take prosecutorial action where they do not extradite, or any other offence that the Parties have agreed is not an offence of a political character for the purposes of extradition."

⁴Some countries may wish to make this an optional ground for refusal under article 4.

⁵Some countries may wish to add to article 3 the following ground for refusal: "If there is insufficient proof, according to the evidentiary standards of the requested State, that the person whose extradition is requested is a party to the offence". (See also footnote 8.)

to taking appropriate action against the person in respect of the offence for which extradition had been requested;

- (b) If the competent authorities of the requested State have decided either not to institute or to terminate proceedings against the person for the offence in respect of which extradition is requested;
- (c) If a prosecution in respect of the offence for which extradition is requested is pending in the requested State against the person whose extradition is requested;
- (d) If the offence for which extradition is requested carries the death penalty under the law of the requesting State, unless that State gives such assurance as the requested State considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out;⁶
- (e) If the offence for which extradition is requested has been committed outside the territory of either Party and the law of the requested State does not provide for jurisdiction over such an offence committed outside its territory in comparable circumstances;
- (f) If the offence for which extradition is requested is regarded under the law of the requested State as having been committed in whole or in part within that State. Where extradition is refused on this ground, the requested State shall, if the other State so requests, submit the case to its competent authorities with a view to taking appropriate action against the person for the offence for which extradition had been requested;
- (g) If the person whose extradition is requested has been sentenced or would be liable to be tried or sentenced in the requesting State by an extraordinary or ad hoc court or tribunal;
- (h) If the requested State, while also taking into account the nature of the offence and the interests of the requesting State, considers that, in the circumstances of the case, the extradition of that person would be incompatible with humanitarian considerations in view of age, health or other personal circumstances of that person.

Article 5

Channels of communication and required documents

- 1. A request for extradition shall be made in writing. The request, supporting documents and subsequent communications shall be transmitted through the diplomatic channel, directly between the ministries of justice or any other authorities designated by the Parties.
- 2. A request for extradition shall be accompanied by the following:
 - (a) In all cases,
 - (i) As accurate a description as possible of the person sought, together with any other information that may help to establish that person's identity, nationality and location;
 - (ii) The text of the relevant provision of the law creating the offence or, where necessary, a statement of the law

6Some countries may wish to apply the same restriction to the imposition of a life, or indeterminate, sentence.

7Some countries may wish to make specific reference to a vessel under its flag or an aircraft registered under its laws at the time of the commission of the offence.

relevant to the offence and a statement of the penalty that can be imposed for the offence;

- (b) If the person is accused of an offence, by a warrant issued by a court or other competent judicial authority for the arrest of the person or a certified copy of that warrant, a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the alleged offence, including an indication of the time and place of its commission;⁸
- (c) If the person has been convicted of an offence, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by the original or certified copy of the judgement or any other document setting out the conviction and the sentence imposed, the fact that the sentence is enforceable, and the extent to which the sentence remains to be served;
- (d) If the person has been convicted of an offence in his or her absence, in addition to the documents set out in paragraph 2 (c) of the present article, by a statement as to the legal means available to the person to prepare his or her defence or to have the case retried in his or her presence;
- (e) If the person has been convicted of an offence but no sentence has been imposed, by a statement of the offence for which extradition is requested and a description of the acts or omissions constituting the offence and by a document setting out the conviction and a statement affirming that there is an intention to impose a sentence.
- 3. The documents submitted in support of a request for extradition shall be accompanied by a translation into the language of the requested State or in another language acceptable to that State.

Article 6 Simplified extradition procedure

The requested State, if not precluded by its law, may grant extradition after receipt of a request for provisional arrest, provided that the person sought explicitly consents before a competent authority.

Article 7 Certification and authentication

Except as provided by the present Treaty, a request for extradition and the documents in support thereof, as well as documents or other material supplied in response to such a request, shall not require certification or authentication.⁹

Article 8 Additional information

If the requested State considers that the information provided in support of a request for extradition is not sufficient, it may request that additional information be furnished within such reasonable time as it specifies.

⁸Countries that require a judicial assessment of the sufficiency of evidence may wish to add the following clause: "and sufficient proof in a form acceptable under the law of the requested State, establishing, according to the evidentiary standards of that State, that the person is a party to the offence". (See also footnote 5.)

⁹The laws of some countries require authentication before documents transmitted from other countries can be admitted in its courts and, therefore, would require a clause setting out the authentication required.

Article 9 Provisional arrest

- 1. In case of urgency the requesting State may apply for the provisional arrest of the person sought pending the presentation of the request for extradition. The application shall be transmitted by means of the facilities of the International Criminal Police Organization, by post or telegraph or by any other means affording a record in writing.
- 2. The application shall contain a description of the person sought, a statement that extradition is to be requested, a statement of the existence of one of the documents mentioned in paragraph 2 of article 5 of the present Treaty, authorizing the apprehension of the person, a statement of the punishment that can be or has been imposed for the offence, including the time left to be served and a concise statement of the facts of the case and a statement of the location, where known, of the person.
- 3. The requested State shall decide on the application in accordance with its law and communicate its decision to the requesting State without delay.
- 4. The person arrested upon such an application shall be set at liberty upon the expiration of [40] days from the date of arrest if a request for extradition, supported by the relevant documents specified in paragraph 2 of article 5 of the present Treaty, has not been received. The present paragraph does not preclude the possibility of conditional release of the person prior to the expiration of the [40] days.
- 5. The release of the person pursuant to paragraph 4 of the present article shall not prevent rearrest and institution of proceedings with a view to extraditing the person sought if the request and supporting documents are subsequently received.

Article 10 Decision on the request

- 1. The requested State shall deal with the request for extradition pursuant to procedures provided by its own law, and shall promptly communicate its decision to the requesting State.
- 2. Reasons shall be given for any complete or partial refusal of the request.

Article 11 Surrender of the person

- 1. Upon being informed that extradition has been granted, the Parties shall, without undue delay, arrange for the surrender of the person sought and the requested State shall inform the requesting State of the length of time for which the person sought was detained with a view to surrender.
- 2. The person shall be removed from the territory of the requested State within such reasonable period as the requested State specifies and, if the person is not removed within that period, the requested State may release the person and may refuse to extradite that person for the same offence.
- 3. If circumstances beyond its control prevent a Party from surrendering or removing the person to be extradited, it shall notify the other Party. The two Parties shall mutually decide upon a new date of surrender, and the provisions of paragraph 2 of the present article shall apply.

Article 12 Postponed or conditional surrender

- 1. The requested State may, after making its decision on the request for extradition, postpone the surrender of a person sought, in order to proceed against that person, or, if that person has already been convicted, in order to enforce a sentence imposed for an offence other than that for which extradition is sought. In such a case the requested State shall advise the requesting State accordingly.
- 2. The requested State may, instead of postponing surrender, temporarily surrender the person sought to the requesting State in accordance with conditions to be determined between the Parties.

Article 13 Surrender of property

- 1. To the extent permitted under the law of the requested State and subject to the rights of third parties, which shall be duly respected, all property found in the requested State that has been acquired as a result of the offence or that may be required as evidence shall, if the requesting State so requests, be surrendered if extradition is granted.
- 2. The said property may, if the requesting State so requests, be surrendered to the requesting State even if the extradition agreed to cannot be carried out.
- 3. When the said property is liable to seizure or confiscation in the requested State, it may retain it or temporarily hand it over.
- 4. Where the law of the requested State or the protection of the rights of third parties so require, any property so surrendered shall be returned to the requested State free of charge after the completion of the proceedings, if that State so requests.

Article 14 Rule of speciality

- 1. A person extradited under the present Treaty shall not be proceeded against, sentenced, detained, re-extradited to a third State, or subjected to any other restriction of personal liberty in the territory of the requesting State for any offence committed before surrender other than:
 - (a) An offence for which extradition was granted;
- (b) Any other offence in respect of which the requested State consents. ¹⁰ Consent shall be given if the offence for which it is requested is itself subject to extradition in accordance with the present Treaty. ¹¹
- 2. A request for the consent of the requested State under the present article shall be accompanied by the documents mentioned in paragraph 2 of article 5 of the present Treaty and a legal record of any statement made by the extradited person with respect to the offence.
- 3. Paragraph 1 of the present article shall not apply if the person has had an opportunity to leave the requesting State and has not done so within [30/45] days of final discharge in respect of the offence for which that person was extradited or if the

 $^{10 \}text{Some}$ countries may wish to add, as a third case, explicit consent of the person.

¹¹Some countries may not wish to assume that obligation and may wish to include other grounds in determining whether or not to grant consent.

person has voluntarily returned to the territory of the requesting State after leaving it.

Article 15 Transit

- 1. Where a person is to be extradited to a Party from a third State through the territory of the other Party, the Party to which the person is to be extradited shall request the other Party to permit the transit of that person through its territory. This does not apply where air transport is used and no landing in the territory of the other Party is scheduled.
- 2. Upon receipt of such a request, which shall contain relevant information, the requested State shall deal with this request pursuant to procedures provided by its own law. The requested State shall grant the request expeditiously unless its essential interests would be prejudiced thereby.¹²
- 3. The State of transit shall ensure that legal provisions exist that would enable detaining the person in custody during transit
- 4. In the event of an unscheduled landing, the Party to be requested to permit transit may, at the request of the escorting officer, hold the person in custody for [48] hours, pending receipt of the transit request to be made in accordance with paragraph 1 of the present article.

Article 16 Concurrent requests

If a Party receives requests for extradition for the same person from both the other Party and a third State it shall, at its discretion, determine to which of those States the person is to be extradited.

12Some countries may wish to agree on other grounds for refusal, which may also warrant refusal for extradition, such as those related to the nature of the offence (e.g. political, fiscal, military) or to the status of the person (e.g. their own nationals).

Article 17 Costs

- 1. The requested State shall meet the cost of any proceedings in its jurisdiction arising out of a request for extradition.
- 2. The requested State shall also bear the costs incurred in its territory in connection with the seizure and handing over of property, or the arrest and detention of the person whose extradition is sought.¹³
- 3. The requesting State shall bear the costs incurred in conveying the person from the territory of the requested State, including transit costs.

Article 18 Final provisions

- 1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.
- 2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.
- 3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
- 4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which such notice is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at ... on ... in the ... and ... languages, [both/all] texts being equally authentic.

 13 Some countries may wish to consider reimbursement of costs incurred as a result of withdrawal of a request for extradition or provisional arrest.

Model Treaty on Mutual Assistance in Criminal Matters

14 December 1990

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Desirous of extending to each other the widest measure of co-operation to combat crime,

Have agreed as follows:

Article 1 Scope of application¹

- 1. The Parties shall, in accordance with the present Treaty, afford to each other the widest possible measure of mutual assistance in investigations or court proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting State.
- 2. Mutual assistance to be afforded in accordance with the present Treaty may include:
 - (a) Taking evidence or statements from persons;
- (b) Assisting in the availability of detained persons or others to give evidence or assist in investigations;
 - (c) Effecting service of judicial documents;
 - (d) Executing searches and seizures;
 - (e) Examining objects and sites;
 - (f) Providing information and evidentiary items;
- (g) Providing originals or certified copies of relevant documents and records, including bank, financial, corporate or business records.
 - 3. The present Treaty does not apply to:
- (a) The arrest or detention of any person with a view to the extradition of that person;
- (b) The enforcement in the requested State of criminal judgements imposed in the requesting State except to the extent permitted by the law of the requested State and the Optional Protocol to the present Treaty;
 - (c) The transfer of persons in custody to serve sentences;
 - (d) The transfer of proceedings in criminal matters.

Article 2² Other arrangements

Unless the Parties decide otherwise, the present Treaty shall not affect obligations subsisting between them whether pursuant to other treaties or arrangements or otherwise.

Article 3 Designation of competent authorities

Each Party shall designate and indicate to the other Party an authority or authorities by or through which requests for the purpose of the present Treaty should be made or received.

¹Additions to the scope of assistance to be provided, such as provisions covering information on sentences passed on nationals of the Parties, can be considered bilaterally. Obviously, such assistance must be compatible with the law of the requested State.

²Article 2 recognizes the continuing role of informal assistance between law enforcement agencies and associated agencies in different countries.

Article 4³ Refusal of assistance

- 1. Assistance may be refused if:4
- (a) The requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order (ordre public) or other essential public interests;
- (b) The offence is regarded by the requested State as being of a political nature;
- (c) There are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, sex, religion, nationality, ethnic origin or political opinions or that that person's position may be prejudiced for any of those reasons;
- (d) The request relates to an offence that is subject to investigation or prosecution in the requested State or the prosecution of which in the requesting State would be incompatible with the requested State's law on double jeopardy (ne bis in idem);
- (e) The assistance requested requires the requested State to carry out compulsory measures that would be inconsistent with its law and practice had the offence been the subject of investigation or prosecution under its own jurisdiction;
- (f) The act is an offence under military law, which is not also an offence under ordinary criminal law.
- 2. Assistance shall not be refused solely on the ground of secrecy of banks and similar financial institutions.
- 3. The requested State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the requested State.
- 4. Before refusing a request or postponing its execution, the requested State shall consider whether assistance may be granted subject to certain conditions. If the requesting State accepts assistance subject to these conditions, it shall comply with them.
- Reasons shall be given for any refusal or postponement of mutual assistance.

Article 5 Contents of requests

- 1. Requests for assistance shall include:5
- (a) The name of the requesting office and the competent authority conducting the investigation or court proceedings to which the request relates;
- (b) The purpose of the request and a brief description of the assistance sought;

³Article 4 provides an illustrative list of the grounds for refusal. ⁴Some countries may wish to delete or modify some of the provisions or include other grounds for refusal, such as those related to the nature of the offence (e.g. fiscal), the nature of the applicable penalty (e.g. capital punishment), requirements of shared concepts (e.g. double jurisdiction, no lapse of time) or specific kinds of assistance (e.g. interception of telecommunications, performing deoxyribonucleic-acid (DNA) tests). In particular, some countries may wish to include as grounds for refusal the fact that the act on which the request is based would not be an offence if committed in the territory of the requested State (dual criminality).

- (c) A description of the facts alleged to constitute the offence and a statement or text of the relevant laws, except in cases of a request for service of documents;
- (d) The name and address of the person to be served, where necessary;
- (e) The reasons for and details of any particular procedure or requirement that the requesting State wishes to be followed, including a statement as to whether sworn or affirmed evidence or statements are required;
- (f) Specification of any time-limit within which compliance with the request is desired;
- (g) Such other information as is necessary for the proper execution of the request.
- 2. Requests, supporting documents and other communications made pursuant to the present Treaty shall be accompanied by a translation into the language of the requested State or another language acceptable to that State.
- 3. If the requested State considers that the information contained in the request is not sufficient to enable the request to be dealt with, it may request additional information.

Article 6 xecution of requests 6

Subject to article 19 of the present Treaty, requests for assistance shall be carried out promptly, in the manner provided for by the law and practice of the requested State. To the extent consistent with its law and practice, the requested State shall carry out the request in the manner specified by the requesting State.

Article 7 Return of material to the requested State

Any property, as well as original records or documents, handed over to the requesting State under the present Treaty shall be returned to the requested State as soon as possible unless the latter waives its right of return thereof.

Article 8⁷ Limitation on use

The requesting State shall not, without the consent of the requested State, use or transfer information or evidence provided by the requested State for investigations or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used in so far as the offence, as charged, is an offence in respect of which mutual assistance could be provided under the present Treaty.

Article 9 Protection of confidentiality⁸

Upon request:

(a) The requested State shall use its best endeavours to keep confidential the request for assistance, its contents and its

⁶More detailed provisions may be included concerning the provision of information on the time and place of execution of the request and requiring the requested State to inform promptly the requesting. State in cases where significant delay is likely to occur or where a decision is made not to comply with the request and the reasons for refusal.

7Some countries may wish to omit article 8 or modify it, e.g. restrict it to fiscal offences.

8Provisions relating to confidentiality will be important for many countries but may present problems to others. The nature of the provisions in individual treaties can be determined in bilateral negotiations.

supporting documents as well as the fact of granting of such assistance. If the request cannot be executed without breaching confidentiality, the requested State shall so inform the requesting State, which shall then determine whether the request should nevertheless be executed;

(b) The requesting State shall keep confidential evidence and information provided by the requested State, except to the extent that the evidence and information is needed for the investigation and proceedings described in the request.

Article 10 Service of documents⁹

- 1. The requested State shall effect service of documents that are transmitted to it for this purpose by the requesting State.
- 2. A request to effect service of summonses shall be made to a requested State not less than [...]¹⁰ days before the date on which the appearance of a person is required. In urgent cases, the requested State may waive the time requirement.

Article 11¹¹ Obtaining of evidence

- 1. The requested State shall, in conformity with its law and upon request, take the sworn or affirmed testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the requesting State.
- 2. Upon the request of the requesting State, the parties to the relevant proceedings in the requesting State, their legal representatives and representatives of the requesting State may, subject to the laws and procedures of the requested State, be present at the proceedings.

Article 12 Right or obligation to decline to give evidence

- 1. A person who is required to give evidence in the requested or requesting State may decline to give evidence where either:
- (a) The law of the requested State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requested State; or
- (b) The law of the requesting State permits or requires that person to decline to give evidence in similar circumstances in proceedings originating in the requesting State.
- 2. If a person claims that there is a right or obligation to decline to give evidence under the law of the other State, the State where that person is present shall, with respect thereto, rely on a certificate of the competent authority of the other State

9More detailed provisions relating to the service of documents, such as writs and judicial verdicts, can be determined bilaterally. Provisions may be desired for the service of documents by mail or other manner and for the forwarding of proof of service of the documents. For example, proof of service could be given by means of a receipt dated and signed by the person served or by means of a declaration made by the requested State that service has been effected, with an indication of the form and date of such service. One or other of these documents could be sent promptly to the requesting State. The requested State could, if the requesting State so requests, state whether service has been effected tn accordance with the law of the requested State. If service could not be effected, the reasons could be communicated promptly by the requested State to the requesting State.

¹⁰Depending on travel distance and related arrangements.

11 Article 11 is concerned with the obtaining of evidence in judicial proceedings, the taking of a person's statement by a less formal process and the production of items of evidence.

as evidence of the existence or non-existence of that right or obligation.

Article 13

Availability of persons in custody to give evidence or to assist in investigations 12

- 1. Upon the request of the requesting State, and if the requested State agrees and its law so permits, a person in custody in the latter State may, subject to his or her consent, be temporarily transferred to the requesting State to give evidence or to assist in the investigations.
- 2. While the person transferred is required to be held in custody under the law of the requested State, the requesting State shall hold that person in custody and shall return that person in custody to the requested State at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.
- 3. Where the requested State advises the requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person referred to in article 14 of the present Treaty.

Article 14

Availability of other persons to give evidence or assist in investigations ¹³

- 1. The requesting State may request the assistance of the requested State in inviting a person:
- (a) To appear in proceedings in relation to a criminal matter in the requesting State unless that person is the person charged; or
- (b) To assist in the investigations in relation to a criminal matter in the requesting State.
- 2. The requested State shall invite the person to appear as a witness or expert in proceedings or to assist in the investigations. Where appropriate, the requested State shall satisfy itself that satisfactory arrangements have been made for the person's safety.
- 3. The request or the summons shall indicate the approximate allowances and the travel and subsistence expenses payable by the requesting State.
- 4. Upon request, the requested State may grant the person an advance, which shall be refunded by the requesting State.

Article 15¹⁴ Safe conduct

1. Subject to paragraph 2 of the present article, where a person is in the requesting State pursuant to a request made under article 13 or 14 of the present Treaty:

12In bilateral negotiations, provisions may also be introduced to deal with such matters as the modalities and time of restitution of evidence and the setting of a time-limit for the presence of the person in custody in the requesting State.

13 Provisions relating to the payment of the expenses of the person providing assistance are contained in paragraph 3 of article 14. Additional details, such as provision for the payment of costs in advance; can be the subject of bilateral negotiations.

14The provisions in article 15 may be required as the only way of securing important evidence in proceedings involving serious national and transnational crime. However, as they may raise difficulties for some countries, the precise content of the article, including any additions or modifications, can be determined in bilateral negotiations.

- (a) That person shall not be detained, prosecuted, punished or subjected to any other restrictions of personal liberty in the requesting State in respect of any acts or omissions or convictions that preceded the person's departure from the requested State;
- (b) That person shall not, without that person's consent, be required to give evidence in any proceeding or to assist in any investigation other than the proceeding or investigation to which the request relates.
- 2. Paragraph 1 of the present article shall cease to apply if that person, being free to leave, has not left the requesting State within a period of [15] consecutive days, or any longer period otherwise agreed on by the Parties, after that person has been officially told or notified that his or her presence is no longer required or, having left, has voluntarily returned.
- 3. A person who does not consent to a request pursuant to article 13 or accept an invitation pursuant to article 14 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement in the request or summons.

Article 16

Provision of publicly available documents and other records 15

- 1. The requested State shall provide copies of documents and records in so far as they are open to public access as part of a public register or otherwise, or in so far as they are available for purchase or inspection by the public.
- 2. The requested State may provide copies of any other document or record under the same conditions as such document or record may be provided to its own law enforcement and judicial authorities.

Article 17 Search and seizure¹⁶

The requested State shall, in so far as its law permits, carry out requests for search and seizure and delivery of any material to the requesting State for evidentiary purposes, provided that the rights of bona fide third parties are protected.

Article 18 Certification and authentication 17

A request for assistance and the documents in support thereof as well as documents or other material supplied in response to such a request, shall not require certification or authentication.

Article 19 Costs 18

The ordinary costs of executing a request shall be borne by the requested State, unless otherwise determined by the Parties.

15The question may arise as to whether this should be discretionary. This provision can be the subject of bilateral peroriations.

provision can be the subject of bilateral negotiations.

16Bilateral arrangements may cover the provision of information on the results of search and seizure and the observance of conditions imposed in relation to the delivery of seized property.

17The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts, and, therefore, would require a clause setting out the authentication required.

18 More detailed provisions may be included. For example, the requested State would meet the ordinary cost of fulfilling the request for assistance except that the requesting State would bear (a) the exceptional or extraordinary expenses required to fulfil the request, where required by the requested State and subject to previous consultations; (b) the expenses associated with conveying any

If expenses of a substantial or extraordinary nature are or will be required to execute the request, the Parties shall consult in advance to determine the terms and conditions under which the request shall be executed as well as the manner in which the costs shall be borne.

Article 20 Consultation

The Parties shall consult promptly, at the request of either, concerning the interpretation, the application or the carrying out of the present Treaty either generally or in relation to a particular case.

Article 21 Final provisions

- 1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.
- 2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.
- 3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
- 4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at ... on ... in the ... and ... languages, [both/all] texts being equally authentic.

person to or from the territory of the requested State, and any fees, allowances or expenses payable to that person while in the requesting State pursuant to a request under article 11, 13 or 14; (c) the expenses associated with conveying custodial or escorting officers; and (d) the expenses involved in obtaining reports of experts.

Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime¹⁹

- 1. In the present Protocol "proceeds of crime" means any property suspected, or found by a court, to be property directly or indirectly derived or realized as a result of the commission of an offence or to represent the value of property and other benefits derived from the commission of an offence.
- 2. The requested State shall, upon request, endeavour to ascertain whether any proceeds of the alleged crime are located within its jurisdiction and shall notify the requesting State of the results of its inquiries. In making the request, the requesting State shall notify the requested State of the basis of its belief that such proceeds may be located within its jurisdiction.
- 3. In pursuance of a request made under paragraph 2 of the present Protocol, the requested State shall endeavour to trace assets, investigate financial dealings, and obtain other information or evidence that may help to secure the recovery of proceeds of crime.
- 4. Where, pursuant to paragraph 2 of the present Protocol, suspected proceeds of crime are found, the requested State shall upon request take such measures as are permitted by its law to prevent any dealing in, transfer or disposal of, those suspected proceeds of crime, pending a final determination in respect of those proceeds by a court of the requesting State.
- 5. The requested State shall, to the extent permitted by its law, give effect to or permit enforcement of a final order forfeiting or confiscating the proceeds of crime made by a court of the requesting State or take other appropriate action to secure the proceeds following a request by the requesting State.²⁰
- 6. The Parties shall ensure that the rights of bona fide third parties shall be respected in the application of the present Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Protocol.

DONE at ... on ... in the ... and ... languages, [both/all] texts being equally authentic.

¹⁹The present Optional Protocol is included on the ground that questions of forfeiture are conceptually different from, although closely related to, matters generally accepted as falling within the description of mutual assistance. However, States may wish to include these provisions in the text because of their importance in dealing with organized crime. Moreover, assistance in forfeiting the proceeds of crime has now emerged as a new instrument in international co-operation. Provisions similar to those outlined in the present Protocol appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. An addition could, for example, be made to paragraph 4 of the present Protocol providing that the requested State shall, upon request, take such measures as are permitted by its law to require compliance with monitoring orders by financial institutions. Provision could be made for the sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis.

20 The Parties might consider widening the scope of the present Protocol by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution.

Model Treaty on the Transfer of Proceedings in Criminal Matters

14 December 1990

The	_ and	the	
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Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of offenders and the interests of the victims of crime,

Bearing in mind that the transfer of proceedings in criminal matters contributes to effective administration of justice and to reducing conflicts of competence,

Aware that the transfer of proceedings in criminal matters can help to avoid pre-trial detention and thus reduce the prison population,

Convinced, therefore, that the transfer of proceedings in criminal matters should be promoted,

Have agreed as follows;

Article 1 Scope of application

- 1. When a person is suspected of having committed an offence under the law of a State which is a Contracting Party, that State may, if the interests of the proper administration of justice so require, request another State which is a Contracting Party to take proceedings in respect of the offence.
- 2. For the purpose of applying the present Treaty, the Contracting Parties shall take the necessary legislative measures to ensure that a request of the requesting State to take proceedings shall allow the requested State to exercise the necessary jurisdiction.

Article 2 Channels of communications

A request to take proceedings shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

Article 3 Required documents

- 1. The request to take proceedings shall contain or be accompanied by the following information:
 - (a) The authority presenting the request;
- (b) A description of the act for which transfer of proceedings is being requested, including the specific time and place of the offence;
- (c) A statement on the result of investigations which substantiate the suspicion of an offence;
- (d) The legal provisions of the requesting State on the basis of which the act is considered to be an offence;
- (e) A reasonably exact statement on the identity, nationality and residence of the suspected person.
- 2. The documents submitted in support of a request to take proceedings shall be accompanied by a translation into the

language of the requested State or into another language acceptable to that State.

Article 4 Certification and authentication

Subject to national law and unless the Parties decide otherwise, a request to take proceedings and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.¹

Article 5 Decision on the request

The competent authorities of the requested State shall examine what action to take on the request to take proceedings in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the requesting State.

Article 6 Dual criminality

A request to take proceedings can be complied with only if the act on which the request is based would be an offence if committed in the territory of the requested State.

Article 7 Grounds for refusal

If the requested State refuses acceptance of a request for transfer of proceedings, it shall communicate the reasons for refusal to the requesting State. Acceptance may be refused if:²

- (a) The suspected person is not a national of or ordinary resident in the requested State;
- (b) The act is an offence under military law, which is not also an offence under ordinary criminal law;
- (c) The offence is in connection with taxes, duties, customs or exchange;
- (d) The offence is regarded by the requested State as being of a political nature.

Article 8 The position of the suspected person

- 1. The suspected person may express to either State his or her interest in the transfer of the proceedings. Similarly, such interest may be expressed by the legal representative or close relatives of the suspected person.
- 2. Before a request for transfer of proceedings is made, the requesting State shall, if practicable, allow the suspected person to present his or her views on the alleged offence and the

¹The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

²When negotiating on the basis of the present Model Treaty, States may wish to add other grounds for refusal or conditions to this list, relating, for example, to the nature or gravity of the offence, to the protection of fundamental human rights, or to considerations of public order.

intended transfer, unless that person has absconded or otherwise obstructed the course of justice.

Article 9 The rights of the victim

The requesting and requested States shall ensure in the transfer of proceedings that the rights of the victim of the offence, in particular his or her right to restitution or compensation, shall not be affected as a result of the transfer. If a settlement of the claim of the victim has not been reached before the transfer, the requested State shall permit the representation of the claim in the transferred proceedings, if its law provides for such a possibility. In the event of the death of the victim, these provisions shall apply to his or her dependents accordingly.

Article 10 Effects of the transfer of proceedings on the requesting State (ne bis in idem)

Upon acceptance by the requested State of the request to take proceedings against the suspected person, the requesting State shall provisionally discontinue prosecution, except necessary investigation, including judicial assistance to the requested State, until the requested State informs the requesting State that the case has been finally disposed of. From that date on, the requesting State shall definitely refrain from further prosecution of the same offence.

Article 11 Effects of the transfer of proceedings on the requested State

- 1. The proceedings transferred upon agreement shall be governed by the law of the requested State. When charging the suspected person under its law, the requested State shall make the necessary adjustment with respect to particular elements in the legal description of the offence. Where the competence of the requested State is based on the provision set forth in paragraph 2 of article 1 of the present Treaty, the sanction pronounced in that State shall not be more severe than that provided by the law of the requesting State.
- 2. As far as compatible with the law of the requested State, any act with a view to proceedings or procedural requirements performed in the requesting State in accordance with its law shall have the same validity in the requested State as if the act had been performed in or by the authorities of that State.
- 3. The requested State shall inform the requesting State of the decision taken as a result of the proceedings. To this end a copy of any final decision shall be transmitted to the requesting State upon request.

Article 12 Provisional measures

When the requesting State announces its intention to transmit a request for transfer of proceedings, the requested State may, upon a specific request made for this purpose by the requesting State, apply all such provisional measures, including provisional detention and seizure, as could be applied under its own law if the offence in respect of which transfer of proceedings is requested had been committed in its territory.

Article 13 The plurality of criminal proceedings

When criminal proceedings are pending in two or more States against the same suspected person in respect of the same offence, the States concerned shall conduct consultations to decide which of them alone should continue the proceedings. An agreement reached thereupon shall have the consequences of a request for transfer of proceedings.

Article 14 Costs

Any costs incurred by a Contracting Party because of a transfer of proceedings shall not be refunded, unless otherwise agreed by both the requesting and requested States.

Article 15 Final provisions

- 1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.
- 2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.
- 3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
- 4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at ... on ... in the ... and ... languages, [both/all] texts being equally authentic.

Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released

14 December 1990

The ____ and the ____

Desirous of further strengthening international co-operation and mutual assistance in criminal justice, on the basis of the principles of respect for national sovereignty and jurisdiction and of non-interference in the internal affairs of States,

Believing that such co-operation should further the ends of justice, the social resettlement of sentenced persons and the interests of the victims of crime,

Bearing in mind that the transfer of supervision of offenders conditionally sentenced or conditionally released can contribute to an increase in the use of alternatives to imprisonment,

Aware that supervision in the home country of the offender rather than enforcement of the sentence in a country where the offender has no roots also contributes to an earlier and more effective reintegration into society,

Convinced, therefore, that the social rehabilitation of offenders and the increased application of alternatives to imprisonment would be promoted by facilitating the supervision of conditionally sentenced or conditionally released offenders in their State of ordinary residence,

Have agreed as follows:

Article 1 Scope of application

- 1. The present Treaty shall be applicable, if, according to a final court decision, a person has been found guilty of an offence and has been:
- (a) Placed on probation without sentence having been pronounced;
- (b) Given a suspended sentence involving deprivation of liberty;
- (c) Given a sentence, the enforcement of which has been modified (parole) or conditionally suspended, in whole or in part, either at the time of the sentence or subsequently.
- 2. The State where the decision was taken (sentencing State) may request another State (administering State) to take responsibility for applying the terms of the decision (transfer of supervision).

Article 2 Channels of communications

A request for the transfer of supervision shall be made in writing. The request, supporting documents and subsequent communication shall be transmitted through diplomatic channels, directly between the Ministries of Justice or any other authorities designated by the Parties.

Article 3 Required documents

1. A request for the transfer of supervision shall contain all necessary information on the identity, nationality and residence of the sentenced person. The request shall be accompanied by the original or a copy of any court decision referred to in article 1 of the present Treaty and a certificate that this decision is final.

2. The documents submitted in support of a request for transfer of supervision shall be accompanied by a translation into the language of the requested State or into another language acceptable to that State.

Article 4 Certification and authentication

Subject to national law and unless the Parties decide otherwise, a request for transfer of supervision and the documents in support thereof, as well as the documents and other material supplied in response to such a request, shall not require certification or authentication.¹

Article 5 Decision on the request

The competent authorities of the administering State shall examine what action to take on the request for supervision in order to comply, as fully as possible, with the request under their own law, and shall promptly communicate their decision to the sentencing State.

Article 6 Dual criminality²

A request for transfer of supervision can be complied with only if the act on which the request is based would constitute an offence if committed in the territory of the administering State.

Article 7 Grounds for refusal³

If the administering State refuses acceptance of a request for transfer of supervision, it shall communicate the reasons for refusal to the sentencing State. Acceptance may be refused where:

- (a) The sentenced person is not an ordinary resident in the administering State;
- (b) The act is an offence under military law, which is not also an offence under ordinary criminal law;
- (c) The offence is in connection with taxes, duties, customs or exchange;
- (d) The offence is regarded by the administering State as being of a political nature;

¹The laws of some countries require authentication before documents transmitted from other countries can be admitted in their courts and, therefore, would require a clause setting out the authentication required.

²When negotiating on the basis of the present Model Treaty, States may wish to waive the requirement of dual criminality.

³When negotiating on the basis of the present Model Treaty, States may wish to add other grounds for refusal or conditions to this list, relating, for example, to the nature or gravity of the offence, to the protection of fundamental human rights, or to considerations of public order.

(e) The administering State, under its own law, can no longer carry out the supervision or enforce the sanction in the event of revocation because of lapse of time.

Article 8 The position of the sentenced person

Whether sentenced or standing trial, a person may express to the sentencing State his or her interest in a transfer of supervision and his or her willingness to fulfil any conditions to be imposed. Similarly, such interest may be expressed by his or her legal representative or close relatives. Where appropriate, the Contracting States shall inform the offender or his or her close relatives of the possibilities under the present Treaty.

Article 9 The rights of the victim

The sentencing State and the administering State shall ensure in the transfer of supervision that the rights of the victims of the offence, in particular his or her rights to restitution or compensation, shall not be affected as a result of the transfer. In the event of the death of the victim, this provision shall apply to his or her dependents accordingly.

Article 10 The effects of the transfer of supervision on the sentencing State

The acceptance by the administering State of the responsibility for applying the terms of the decision rendered in the sentencing State shall extinguish the competence of the latter State to enforce the sentence.

Article 11 The effects of the transfer of supervision on the administering State

- 1. The supervision transferred upon agreement and the subsequent procedure shall be carried out in accordance with the law of the administering State. That State alone shall have the right of revocation. That State may, to the extent necessary, adapt to its own law the conditions or measures prescribed, provided that such conditions or measures are, in terms of their nature or duration, not more severe than those pronounced in the sentencing State.
- 2. If the administering State revokes the conditional sentence or conditional release, it shall enforce the sentence in accordance with own law without, however, going beyond the limits imposed by the sentencing State.

Article 12 Review, pardon and amnesty

- 1. The sentencing State alone shall have the right to decide on any application to reopen the case.
- 2. Each Party may grant pardon, amnesty or commutation of the sentence in accordance with the provisions of its Constitution or other laws.

Article 13 Information

- 1. The Contracting Parties shall keep each other informed, in so far as it is necessary, of all circumstances likely to affect measures of supervision or enforcement in the administering State. To this end they shall transmit to each other copies of any relevant decisions in this respect.
- 2. After expiration of the period of supervision, the administering State shall provide to the sentencing State, at its request, a final report concerning the supervised person's conduct and compliance with the measures imposed.

Article 14 Costs

Supervision and enforcement costs incurred in the administering State shall not be refunded, unless otherwise agreed by both the sentencing State and the administering State.

Article 15 Final provisions

- 1. The present Treaty is subject to [ratification, acceptance or approval]. The instruments of [ratification, acceptance or approval] shall be exchanged as soon as possible.
- 2. The present Treaty shall enter into force on the thirtieth day after the day on which the instruments of [ratification, acceptance or approval] are exchanged.
- 3. The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
- 4. Either Contracting Party may denounce the present Treaty by giving notice in writing to the other Party. Such denunciation shall take effect six months following the date on which it is received by the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE at ... on ... in the ... and ... languages, [both/all] texts being equally authentic.

Declaration on the Protection of All Persons from Enforced Disappearance

18 December 1992

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Deeply concerned that in many countries, often in a persistent manner, enforced disappearances occur, in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity,

Recalling its resolution 33/173 of 20 December 1978, in which it expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances, as well as about the anguish and sorrow caused by those disappearances, and called upon Governments to hold law enforcement and security forces legally responsible for excesses which might lead to enforced or involuntary disappearances of persons,

Recalling also the protection afforded to victims of armed conflicts by the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Having regard in particular to the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Having regard also to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that States parties shall take effective measures to prevent and punish acts of torture,

Bearing in mind the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Standard Minimum Rules for the Treatment of Prisoners,

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body

of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment contained in the annex to its resolution 43/173 of 9 December 1988, and with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to Economic and Social Council resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Bearing in mind that, while the acts which comprise enforced disappearance constitute a violation of the prohibitions found in the aforementioned international instruments, it is none the less important to devise an instrument which characterizes all acts of enforced disappearance of persons as very serious offences and sets forth standards designed to punish and prevent their commission,

Proclaims the present Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States and urges that all efforts be made so that the Declaration becomes generally known and respected:

Article 1

- 1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.
- 2. Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, *interalia*, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Article 2

- 1. No State shall practise, permit or tolerate enforced disappearances.
- States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

- 1. All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness.
- 2. Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to clarifying cases of enforced disappearance.

In addition to such criminal penalties as are applicable, enforced disappearances render their perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable under civil law, without prejudice to the international responsibility of the State concerned in accordance with the principles of international law.

Article 6

- 1. No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and duty not to obey it.
- 2. Each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited.
- 3. Training of law enforcement officials shall emphasize the provisions in paragraphs 1 and 2 of the present article.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 8

- 1. No State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.
- 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 9

- 1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.
- 2. In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.
- 3. Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.

Article 10

- 1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.
- 2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.
- 3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

- 1. Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.
- 2. Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.

Article 13

- 1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.
- 2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.

- 3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.
- 4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.
- 5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.
- 6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force. All States should take any lawful and appropriate action available to them to bring to justice all persons presumed responsible for an act of enforced disappearance, who are found to be within their jurisdiction or under their control.

Article 15

The fact that there are grounds to believe that a person has participated in acts of an extremely serious nature such as those referred to in article 4, paragraph 1, above, regardless of the motives, shall be taken into account when the competent authorities of the State decide whether or not to grant asylum.

Article 16

- 1. Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.
- 2. They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.
- 3. No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.
- 4. The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

Article 17

1. Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified.

- 2. When the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the statute of limitations relating to acts of enforced disappearance shall be suspended until these remedies are re-established.
- 3. Statutes of limitations, where they exist, relating to acts of enforced disappearance shall be substantial and commensurate with the extreme seriousness of the offence.

Article 18

- 1. Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.
- 2. In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

Article 20

- 1. States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin.
- 2. Considering the need to protect the best interests of children referred to in the preceding paragraph, there shall be an opportunity, in States which recognize a system of adoption, for a review of the adoption of such children and, in particular, for annulment of any adoption which originated in enforced disappearance. Such adoption should, however, continue to be in force if consent is given, at the time of the review, by the child's closest relatives.
- 3. The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.
- 4. For these purposes, States shall, where appropriate, conclude bilateral and multilateral agreements.

Article 21

The provisions of the present Declaration are without prejudice to the provisions enunciated in the Universal Declaration of Human Rights or in any other international instrument, and shall not be construed as restricting or derogating from any of those provisions.

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PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

- 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

- 3. To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and
- 4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

- 1. The Organization is based on the principle of the sovereign equality of all its Members.
- 2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
- 3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- 4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
- 5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
- 6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
- 7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the

present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article S

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III ORGANS

Article 7

- 1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat.
- 2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV THE GENERAL ASSEMBLY

Composition

Article 9

- The General Assembly shall consist of all the Members of the United Nations.
- 2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament

and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

- 2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.
- 3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.
- 4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

- 1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
- 2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

- 1. The General Assembly shall initiate studies and make recommendations for the purpose of:
 - a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification:
 - b. promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.
- 2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

- 1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
- 2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

- 1. The General Assembly shall consider and approve the budget of the Organization.
- 2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
- 3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

- 1. Each member of the General Assembly shall have one vote.
- 2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
- 3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V THE SECURITY COUNCIL

Composition

Article 23*

- 1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
- 2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
- 3. Each member of the Security Council shall have one representative.
- * As amended. The original text of Article 23 reads as follows:
- 1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid in the first instance to the contributions of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
- 2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
 - 3. Each member of the Security Council shall have one representative

- 1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
- 2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.
- 3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27*

- 1. Each member of the Security Council shall have one vote.
- 2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
- 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

- 1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
- * As amended. The original text of Article 27 reads as follows:
- 1. Each member of the Security Council shall have one vote.
- 2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
- 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

- 2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
- The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES

Article 33

- 1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
- 2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

- 1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
- 2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts

in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

- 1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
- 2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
- 3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the statute of the Court.

Article 37

- 1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
- 2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete

or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

- 1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
- 2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
- 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and

command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

- 2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
- 3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
- 4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

- 1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
- 2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that

such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

- 2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
- 3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
- 4. This Article in no way impairs the application of Articles 34 and 35:

Article 53

- 1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
- 2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

- 1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
- Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61*

- The Economic and Social Council shall consist of fiftyfour Members of the United Nations elected by the General Assembly.
- 2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
- 3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and
- * As amended. The original text of Article 61 reads as follows:
- 1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.
- 2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
- 3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.
- 4. Each member of the Economic and Social Council shall have one representative.

of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

- 1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.
- 2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
- 3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
- 4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

- 1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.
- 2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

- 1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
- 2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

- 1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.
- It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
- 3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

- 1. Each member of the Economic and Social Council shall have one vote
- 2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

- 1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
- 2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational

advancement, their just treatment, and their protection against abuses;

- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations

and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

- 1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
 - a. territories now held under mandate;
 - b. territories which may be detached from enemy states as a result of the Second World War; and
 - c. territories voluntarily placed under the system by states responsible for their administration.
- 2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

- 1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.
- 2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

- All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.
- 2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
- 3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

- 1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.
- 2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII THE TRUSTEESHIP COUNCIL

Composition

Article 86

- 1. The Trusteeship Council shall consist of the following Members of the United Nations:
 - a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
- 2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

- 1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
- 2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

- 1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.
- 2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

- 1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
- 2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

- 1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
- 2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

- 1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
- 2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

- 1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
- 2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
- 3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI MISCELLANEOUS PROVISIONS

Article 102

- 1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
- 2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

- 1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
- 2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
- 3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of

the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

Article 109*

- 1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
- 2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
- 3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.
- 4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.
- * As amended. The original text of Article 109 reads as follows:
- 1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
- 2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
- 3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX RATIFICATION AND SIGNATURE

Article 110

- 1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
- 2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.
- 3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn

up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

IV. Statute of the International Court of Justice

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Article 1

THE INTERNATIONAL COURT OF JUSTICE established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

- 1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.
- 2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

- 1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.
- 2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.
- 3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

- 1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.
- 2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality.

In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article (

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

- 1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.
- 2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

- 1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.
- 2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.
- 3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

- 2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.
- 3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.
- 4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

- 1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.
- The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.
- 3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.
- 4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision! the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

- 1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.
- Any doubt on this point shall be settled by the decision of the Court.

Article 17

- 1. No member of the Court may act as agent, counsel, or advocate in any case.
- 2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.
- 3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

- 1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.
- 2. Formal notification thereof shall be made to the Secretary-General by the Registrar.
 - 3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

- 1. The Court shall elect its President and Vice-President for three years; they may be re-elected.
- 2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

- The seat of the Court shall be established at The Hague.
 This, however, shall not prevent the Court from sitting and
 exercising its functions elsewhere whenever the Court considers
 it desirable.
- The President and the Registrar shall reside at the seat of the Court.

Article 23

- 1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
- 2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.
- Members of the Court shall be bound, unless they are
 on leave or prevented from attending by illness or other serious
 reasons duly explained to the President, to hold themselves
 permanently at the disposal of the Court.

Article 24

- 1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.
- 2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.
- 3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

- 1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.
- 2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or

more judges, according to circumstances and in rotation, to be dispensed from sitting.

A quorum of nine judges shall suffice to constitute the Court.

Article 26

- 1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.
- 2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.
- 3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy dispatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

- 1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.
- 2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

- 1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.
- 2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.
- 3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.
- 4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.
- 5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned

as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3 and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20 and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

- 1. Each member of the Court shall receive an annual salary.
 - 2. The President shall receive a special annual allowance.
- 3. The Vice-President shall receive a special allowance for every day on which he acts as President.
- 4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
- 5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
- 6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
- 7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.
- 8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II COMPETENCE OF THE COURT

Article 34

- 1. Only states may be parties in cases before the Court.
- 2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
- 3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

- 1. The Court shall be open to the states parties to the present Statute.
- 2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

- The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
- 2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
 - d. the nature or extent of the reparation to be made for the breach of an international obligation.
- 3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.
- 4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
- 5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.
- 6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

- 1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 - a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
 - b. international custom, as evidence of a general practice accepted as law;
 - c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the

various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case ex aequo et bono, if the parties agree thereto.

CHAPTER III PROCEDURE

Article 39

- 1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.
- 2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.
- 3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

- 1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.
- 2. The Registrar shall forthwith communicate the application to all concerned.
- 3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

- 1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.
- Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

- 1. The parties shall be represented by agents.
- 2. They may have the assistance of counsel or advocates before the Court.
- 3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

- 1. The procedure shall consist of two parts: written and oral.
- 2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, countermemorials and, if necessary, replies; also all papers and documents in support.
- 3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

- 4. A certified copy of every document produced by one party shall be communicated to the other party.
- 5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

- 1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.
- 2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

- 1. Minutes shall be made at each hearing and signed by the Registrar and the President.
 - 2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

- 1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
 - 2. The Court shall withdraw to consider the judgment.
- The deliberations of the Court shall take place in private and remain secret.

Article 55

- 1. All questions shall be decided by a majority of the judges present.
- 2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

- 1. The judgment shall state the reasons on which it is based.
- 2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

- 1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also the party claiming revision, always provided that such ignorance was not due to negligence.
- 2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.
- 3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.
- 4. The application for revision must be made at latest within six months of the discovery of the new fact.
- 5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

- 1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
 - 2. It shall be for the Court to decide upon this request.

Article 63

- 1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
- 2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV ADVISORY OPINIONS

Article 65

- 1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
- 2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

- 1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
- 2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

- 3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
- 4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

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Many United Nations agencies and programmes have adopted instruments pertaining to international standards and guidelines. Those that have already been ratified are now part of international and national law. The United Nations General Assembly has also initiated numerous conferences and summit meetings on issues of concern to humanity. The result has been, *inter alia*, the development of specific instruments, among them the United Nations Convention on the Law of the Sea, Agenda 21, the Nuclear Test Ban Treaty and others encompassing a broad range of issues.

Appendix I provides a selected list of such instruments. United Nations Treaties and League of Nations Treaties are listed first; further information on these instruments is available from the United Nations Treaty Section (see Appendix IV). Also listed are instruments adopted by or deposited with the Food and Agriculture Organization of the United Nations (agriculture and related topics), the International Atomic Energy Agency (nuclear topics), the International Labour Organization (labour and employment topics), the United Nations Educational, Scientific and Cultural Organization (topics related to information and its dissemination), the United Nations Environment Programme (environment-related topics) and the World Health Organization (health-related and medical topics).

Appendix II provides a list of major international conferences sponsored by the United Nations.

Appendix III lists United Nations special observances, days or weeks commemorating specific issues, many of which also are related to conference and instrument topics.

Appendix IV lists addresses from which you may obtain additional information, including the complete texts of many of the instruments listed in Appendix I.

Appendix V and Appendix VI provide diagrams of the United Nations system and the United Nations human rights system.

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I. Selected list of instruments adopted by United Nations agencies and programmes

United Nations Treaties

I. CHARTER OF THE UNITED NATIONS AND STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

- Declarations of acceptance of the obligations contained in the Charter of the United Nations (Admission of States to membership in the United Nations in accordance with Article 4 of the Charter)
- 2. Declarations recognizing as compulsory the jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute of the Court
- 3. Amendments to the Charter of the United Nations:
 - (a) Amendments to Articles 23, 27 and 61 of the Charter of the United Nations. Adopted by the General Assembly of the United Nations in its resolutions 1991 A and B (XVIII) of 17 December 1963
 - (b) Amendment to Article 109 of the Charter of the United Nations. Adopted by the General Assembly of the United Nations in its resolution 2101 (XX) of 20 December 1965
 - (c) Amendment to Article 61 of the Charter of the United Nations. Adopted by the General Assembly of the United Nations in its resolution 2847 (XXVI) of 20 December 1971

II. PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

 Revised General Act for the Pacific Settlement of International Disputes. Adopted by the General Assembly of the United Nations on 28 April 1949

III. PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS, ETC

- Convention on the Privileges and Immunities of the United Nations. Adopted by the General Assembly of the United Nations on 13 February 1946
- Convention on the Privileges and Immunities of the Specialized Agencies. Approved by the General Assembly of the United Nations on 21 November 1947
- 3. Vienna Convention on Diplomatic Relations. Done at Vienna on 18 April 1961
- Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality. Done at Vienna on 18 April 1961
- Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes. Done at Vienna on 18 April 1961
- Vienna Convention on Consular Relations. Done at Vienna on 24 April 1963
- 7. Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality. Done at Vienna on 24 April 1963

- Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes. Done at Vienna on 24 April 1963
- 9. Convention on Special Missions. Adopted by the General Assembly of the United Nations on 8 December 1969
- Optional Protocol to the Convention on Special Missions concerning the Compulsory Settlement of Disputes. Adopted by the General Assembly of the United Nations on 8 December 1969
- Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character. Concluded at Vienna on 14 March 1975
- Vienna Convention on Succession of States in Respect of State Property, Archives and Debts. Concluded at Vienna on 8 April 1983

IV. HUMAN RIGHTS

- Amendment to article 8 of the International Convention on the Elimination of all Forms of Racial Discrimination. Adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties on 15 January 1992
- Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women. Adopted by the States Parties at their eighth meeting on 22 May
- 3. Amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. Adopted by the Conference of the States Parties on 8 September 1992
- Amendment to article 43 (2) of the Convention on the Rights of the Child. Adopted by the Conference of the States Parties on 12 December 1995
- Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. Concluded at Madrid on 24 July 1992

V. REFUGEES AND STATELESS PERSONS

- Constitution of the International Refugee Organization. Opened for signature at Flushing Meadow, New York, on 15 December 1946
- Convention relating to the Status of Refugees. Signed at Geneva on 28 July 1951
- Convention relating to the Status of Stateless Persons. Done at New York on 28 September 1954
- 4. Convention on the Reduction of Statelessness. Concluded at New York on 30 August 1961
- Protocol relating to the Status of Refugees. Done at New York on 31 January 1967

VI. NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

 Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and

- 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936. Signed at Lake Success, New York, on 11 December 1946
- 2. International Opium Convention. The Hague, January 23rd, 1912
- Agreement concerning the Suppression of the Manufacture of, Internal Trade in, and Use of, Prepared Opium.
 Signed at Geneva on 11 February 1925, and amended by the Protocol signed at Lake Success, New York, on 11 December 1946
- Agreement concerning the Suppression of the Manufacture of, Internal Trade in, and Use of, Prepared Opium. Geneva, February 11th, 1925
- International Opium Convention. Signed at Geneva on 19 February 1925 and amended by the Protocol signed at Lake Success, New York, on 11 December 1946
- (a) International Opium Convention. Geneva, February 19th, 1925
 - (b) Protocol, Geneva, February 19th, 1925
- Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs. Signed at Geneva on 13 July 1931 and amended by the Protocol signed at Lake Success, New York, on 11 December 1946
- (a) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs. Geneva, July 13th, 1931
 - (b) Protocol of Signature. Geneva, July 13th, 1931
- Agreement concerning the Suppression of Opium Smoking. Signed at Bangkok on 27 November 1931 and amended by the Protocol signed at Lake Success, New York, on 11 December 1946
- Agreement concerning the Suppression of Opium Smoking. Bangkok, November 27th, 1931
- Convention for the Suppression of the Illicit Traffic in Dangerous Drugs. Signed at Geneva on 26 June 1936 and amended by the Protocol signed at Lake Success, New York, on 11 December 1946
- 12. (a) Convention of 1936 for the Suppression of the Illicit Traffic in Dangerous Drugs. Geneva, June 26th, 1936
 - (b) Protocol of Signature. Geneva, June 26th, 1936
- 13. Protocol Bringing under International Control Drugs
 Outside the Scope of the Convention of 13 July 1931 for
 Limiting the Manufacture and Regulating the Distribution
 of Narcotic Drugs, as amended by the Protocol signed at
 Lake Success, New York, on 11 December 1946. Signed at
 Paris on 19 November 1948
- 14. Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium. Done at New York on 23 June 1953
- Single Convention on Narcotic Drugs, 1961. Done at New York on 30 March 1961
- Convention on Psychotropic Substances. Concluded at Vienna on 21 February 1971
- 17. Protocol amending the Single Convention on Narcotic Drugs, 1961. Concluded at Geneva on 25 March 1972
- 18. Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972 amending the Single

- Convention on Narcotic Drugs, 1961. Done at New York on 8 August 1975
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Concluded at Vienna on 20 December 1988

VII. TRAFFIC IN PERSONS

- Protocol to amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933. Signed at Lake Success. New York, on 12 November 1947
- Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947
- 3. International Convention for the Suppression of the Traffic in Women and Children. Geneva, September 30th, 1921
- Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947
- 5. International Convention for the Suppression of the Traffic in Women of Full Age. Geneva, October 11th, 1933
- Protocol amending the International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, and the International Convention for the Suppression of White Slave Traffic, signed at Paris on 4 May 1910. Signed at Lake Success, New York on 4 May 1949
- International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904 and amended by the Protocol signed at Lake Success, New York, on 4 May 1949
- International Agreement for the Suppression of the "White Slave Traffic". Signed at Paris on 18 May 1904
- International Convention for the Suppression of the White Slave Traffic, signed at Paris on 4 May 1910 and amended by the Protocol signed at Lake Success, New York, on 4 May 1949
- International Convention for the Suppression of the White Slave Traffic. Signed at Paris on 4 May 1910

VIII. OBSCENE PUBLICATIONS

- Protocol to amend the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923. Signed at Lake Success. New York, on 12 November 1947
- Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, concluded at Geneva on 12 September 1923 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947
- International Convention for the Suppression of the Circulation of and traffic in Obscene Publications. Geneva, September 12th, 1923
- Protocol amending the Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on

- 4 May 1910. Signed at Lake Success, New York, on 4 May
- Agreement for the Suppression of the Circulation of Obscene Publications, signed at Paris on 4 May 1910 and amended by the Protocol signed at Lake Success, New York, on 4 May 1949
- Ágreement for the Suppression of the Circulation of Obscene Publications. Signed at Paris on 4 May 1910

IX. HEALTH

- Constitution of the World Health Organization. Signed at New York on 22 July 1946
 - Amendments to the Constitution of the World Health Organization:
 - (a) Amendments to articles 24 and 25 of the Constitution of the World Health Organization. Adopted by the Twelfth World Health Assembly on 28 May 1959
 - (b) Amendment to article 7 of the Constitution of the World Health Organization. Adopted by the Eighteenth World Health Assembly on 20 May 1965
 - (c) Amendments to articles 24 and 25 of the Constitution of the World Health Organization. Adopted by the Twentieth World Health Assembly on 23 May 1967
 - (d) Amendments to articles 34 and 55 of the Constitution of the World Health Organization. Adopted by the Twenty-sixth World Health Assembly on 22 May 1973
 - (e) Amendments to articles 24 and 25 of the Constitution of the World Health Organization. Adopted by the Twenty-ninth World Health Assembly on 17 May 1976
 - (f) Amendment to article 74 of the Constitution of the World Health Organization. Adopted by the Thirty-first World Health Assembly on 18 May 1978
 - (g) Amendments to articles 24 and 25 of the Constitution of the World Health Organization. Adopted by the Thirtyninth World Health Assembly on 12 May 1986
- Protocol concerning the Office international d'hygiene publique. Signed at New York on 22 July 1946

X. INTERNATIONAL TRADE AND DEVELOPMENT

- (a) General Agreement on Tariffs and Trade, with Annexes and Schedules of Tariffs Concessions. Authenticated by the Final Act adopted at the conclusion of the second session of the Preparatory Committee of the United Nations Conference on Trade and Employment and signed at Geneva on 30 October 1947
 - (b) Havana Charter for an International Trade Organization. Authenticated by the Final Act of the United Nations Conference on Trade and Employment, signed at Havana on 24 March 1948
 - (c) Agreement on most-favoured-nation treatment for areas of Western Germany under military occupation. Signed at Geneva on 14 September 1948
 - (d) Memorandum of understanding relative to application to the Western Sectors of Berlin of the Agreement on most-favoured-nation treatment for areas of Western Germany under military occupation. Signed at Annecy on 13 August 1949

- Agreement establishing the African Development Bank. Done at Khartoum on 4 August 1963
 - (a) Amendments to the Agreement establishing the African Development Bank. Adopted by the Board of Governors of the African Development Bank in resolution 05-79 of 17 May 1979
 - (b) Agreement establishing the African Development Bank done at Khartoum on 4 August 1963, as amended by resolution 05-79 adopted by the Board of Governors on 17 May 1979. Concluded at Lusaka on 7 May 1982
- 3. Convention on Transit Trade of Land-Locked States. Done at New York on 8 July 1965
- Agreement establishing the Asian Development Bank. Done at Manila on 4 December 1965
- Articles of Association for the Establishment of an Economic Community of West Africa. Done at Accra on 4 May 1967
- Agreement Establishing the Caribbean Development Bank, with Protocol to Provide for Procedure for Amendment of Article 36 of the Agreement. Done at Kingston, Jamaica, on 18 October 1969
- Convention on the Limitation Period in the International Sale of Goods. Concluded at New York on 14 June 1974
 - (a) Protocol amending the Convention on the Limitation Period in the International Sale of Goods. Concluded at Vienna on 11 April 1980
 - (b) Convention on the Limitation Period in the International Sale of Goods. Concluded at New York on 4 June 1974, as amended by the Protocol of 11 April 1980
- Agreement establishing the International Fund for Agricultural Development. Concluded at Rome on 13 June 1976
- Constitution of the United Nations Industrial Development Organization. Concluded at Vienna on 8 April 1979
- United Nations Convention on Contracts for the International Sale of Goods. Concluded at Vienna on 11 April 1980
- Charter of the Asian and Pacific Development Centre. Adopted by the United Nations Economic and Social Commission for Asia and the Pacific on 1 April 1982
- 12. United Nations Convention on the Liability of Operators of Transport Terminals in International Trade. Concluded at Vienna on 19 April 1991
- 13. Agreement to Establish the South Center. Opened for signature at Geneva on 1 September 1994

XI. TRANSPORT AND COMMUNICATIONS

A. Customs Matters

- Agreement providing for the provisional application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road. Signed at Geneva on 16 June 1949
- Additional Protocol to the Agreement providing for the provisional application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road. Signed at Geneva on 16 June 1949

- Additional Protocol to the Agreement providing for the provisional application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road, relating to the international transport of goods by container under the TIR. Carnet Regime. Signed at Geneva on 11 March 1950
- 4. Additional Protocol amending certain provisions of the Agreement providing for the provisional application of the Draft International Customs Conventions on Touring, on Commercial Road Vehicles and on the International Transport of Goods by Road. Done at Geneva on 28 November 1952
- International Convention to Facilitate the Importation of Commercial Samples and Advertising Material. Done at Geneva on 7 November 1952
- Convention concerning Customs Facilities for Touring. Done at New York on 4 June 1954
- Additional Protocol to the Convention concerning Customs Facilities for Touring, relating to the Importation of Tourist Publicity Documents and Material. Done at New York on 4 June 1954
- Customs Convention on the Temporary Importation of Private Road Vehicles. Done at New York on 4 June 1954
- Customs Convention on Containers. Done at Geneva on 18 May 1956
- Customs Convention on the Temporary Importation of Commercial Road Vehicles. Done at Geneva on 18 May 1956
- Customs Convention on the Temporary Importation for Private Use of Aircraft and Pleasure Boats. Done at Geneva on 18 May 1956
- 12. Customs Convention concerning Spare Parts used for repairing Europe Wagons. Done at Geneva on 15 January 1958
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention).
 Done at Geneva on 15 January 1959
- European Convention on Customs Treatment of Pallets Used in International Transport. Done at Geneva on 9 December 1960
- 15. Customs Convention on Containers, 1972. Concluded at Geneva on 2 December 1972
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention). Concluded at Geneva on 14 November 1975
- International Convention on the Harmonization of Frontier Controls of Goods. Concluded at Geneva on 21 October 1982
- Convention on Customs Treatment of Pool Containers Used in International Transport. Concluded at Geneva on 21 January 1994

B. Road Traffic

- Convention on Road Traffic. Signed at Geneva on 19 September 1949
- 2. Protocol concerning Countries or Territories at Present Occupied. Signed at Geneva on 19 September 1949

- 3. Protocol on Road Signs and Signals. Signed at Geneva on 19 September 1949
- European Agreement supplementing the 1949 Convention on Road Traffic and the 1949 Protocol on Road Signs and Signals. Signed at Geneva on 16 September 1950
- European Agreement on the Application of article 3 of Annex 7 of the 1949 Convention on Road Traffic concerning the Dimensions and Weights of Vehicles Permitted to Travel on Certain Roads of the Contracting Parties. Signed at Geneva on 16 September 1950
- European Agreement on the Application of article 23 of the 1949 Convention on Road Traffic concerning the Dimensions and Weights of Vehicles Permitted to Travel on Certain Roads of the Contracting Parties. Signed at Geneva on 16 September 1950
- Declaration on the Construction of Main International Traffic Arteries. Signed at Geneva on 16 September 1950
- General Agreement on Economic Regulations for International Road Transport:
 - (a) Additional Protocol
 - (b) Protocol of Signature

Concluded at Geneva on 17 March 1954

- (c) Protocol relating to the adoption of Annex C. 1 to the Set of Rules annexed to the General Agreement on Economic Regulations for International Road Transport. Concluded at Geneva on 1 July 1954
- Agreement on Signs for Road Works, amending the European Agreement of 16 September 1950 Supplementing the 1949 Convention on Road Traffic and the 1949 Protocol on Road Signs and Signals. Concluded at Geneva on 16 December 1955
- Convention on the Taxation of Road Vehicles for Private Use in International Traffic. Done at Geneva on 18 May 1956
- Convention on the Contract for the International Carriage of Goods by Road (CMR). Done at Geneva on 19 May 1956
 - (a) Protocol to the Convention on the Contract for the International Carriage of Goods by Road (CMR). Concluded at Geneva on 5 July 1978
- Convention on the Taxation of Road Vehicles Engaged in International Goods Transport. Done at Geneva on 14 December 1956
- Convention on the Taxation of Road Vehicles Engaged in International Passenger Transport. Done at Geneva on 14 December 1956
- European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR). Done at Geneva on 30 September 1957
 - (a) Protocol amending article 14 (3) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR). Concluded at New York on 21 August 1975
 - (b) Protocol amending article 1 (a), article 14 (1) and article 14 (3) (b) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR). Adopted at Geneva on 28 October 1993

- European Agreement on Road Markings. Done at Geneva on 13 December 1957
- 16. Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of These Prescriptions. Done at Geneva on 20 March
- 17. Agreement on Special Equipment for the Transport of Perishable Foodstuffs and on the Use of such Equipment for the International Transport of some of those Foodstuffs. Concluded at Geneva on 15 January 1962
- 18. European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), Concluded at Geneva on 19 January 1962
- Convention on Road Traffic. Concluded at Vienna on 8 November 1968
- Convention on Road Signs and Signals. Concluded at Vienna on 8 November 1968
- European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). Concluded at Geneva on 1 July 1970
- Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP). Concluded at Geneva on 1 September 1970
- European Agreement supplementing the Convention on Road Traffic opened for signature at Vienna on 8 November 1968. Concluded at Geneva on 1 May 1971
- European Agreement supplementing the Convention on Road Signs and Signals opened for signature at Vienna on 8 November 1968. Concluded at Geneva on 1 May 1971
 - Protocol on Road Markings, additional to the European Agreement supplementing the Convention on Road Signs and Signals opened for signature at Vienna on 8 November 1968. Concluded at Geneva on 1 March 1973
- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR). Concluded at Geneva on 1 March 1973
 - (a) Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Road CVR). Concluded at Geneva on 5 July 1978
- Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC). Concluded at Geneva on 1 April 1975
- European Agreement on Main International Traffic Arteries (AGR). Concluded at Geneva on 15 November 1975
- Intergovernmental Agreement on the Establishment of an Inter-African Motor Vehicle Third Party Liability Insurance Card. Opened for signature at New York on 1 October 1978
- Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD). Concluded at Geneva on 10 October 1989

C. Transport by Rail

- International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage carried by Rail. Signed at Geneva on 10 January 1952
- International Convention to Facilitate the Crossing of Frontiers for Goods carried by Rail. Signed at Geneva on 10 January 1952
- 3. European Agreement on Main International Railway Lines (AGC). Concluded at Geneva on 31 May 1985

D. Water Transport

- Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN). Concluded at Geneva on 1 March 1973
 - (a) Protocol to the Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN). Concluded at Geneva on 5 July 1978
- Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN). Concluded at Geneva on 6 February 1976
 - (a) Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN). Concluded at Geneva on 5 July 1978
- United Nations Convention on the Carriage of Goods by Sea, 1978. Concluded at Hamburg on 31 March 1978
- 4. International Convention on Maritime Liens and Mortgages, 1993. Done at Geneva on 6 May 1993

E. Multimodal Transport

- United Nations Convention on International Multimodal Transport of Goods. Concluded at Geneva on 24 May 1980
- European Agreement on Important International Combined Transport Lines and Related Installations (AGTC). Concluded at Geneva on 1 February 1991

XII. NAVIGATION

- 1. Convention on the International Maritime Organization.
 Done at Geneva on 6 March 1948
 - Amendments to the Convention on the International Maritime Organization:
 - (a) Amendments to articles 17 and 18 of the Convention. Adopted by the Assembly of the Organization by resolution A.69 (ES.II) of 15 September 1964
 - (b) Amendment to article 28 of the Convention. Adopted by the Assembly of the Organization by resolution A.70
 (IV) of 28 September 1965
 - (c) Amendments to articles 10, 16, 17, 18, 20, 28, 31 and 32 of the Convention. Adopted by the Assembly of the Organization by resolution A.315 (ES.Y) of 17 October 1974
 - (d) Amendments to the title and substantive provisions of the Convention. Adopted by the Assembly of the Organization by resolutions A.358 (IX) of 14 November 1975 and A.371 (X) of 9 November 1977 [rectification of resolution A.358 (IX)]

- (e) Amendments to the Convention relating to the institutionalization of the Committee on Technical Cooperation in the Convention. Adopted by the Assembly of the Organization by resolution A.400 (X) of 17 November 1977
- (f) Amendments to articles 17, 18, 20 and 51 of the Convention. Adopted by the Assembly of the Organization by resolution A.450 (XI) of 15 November 1979
- (g) Amendments to the IMO Convention relating to the institutionalization of the Facilitation Committee in the Convention. Adopted by the Assembly of the Organization by resolution A.724 (17) of 7 November 1991
- (h) Amendments to articles 16, 17 and 19 (b) of the Convention on the International Maritime Organization. Adopted by the Assembly of the Organization by resolution A,735 (18) of 4 November 1993
- Convention regarding the Measurement and Registration of Vessels Employed in Inland Navigation. Concluded at Bangkok on 22 June 1956
- Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation. Concluded at Geneva on 15 March 1960
- 4. Convention on the Registration of Inland Navigation Vessels. Concluded at Geneva on 25 January 1965
- Convention on the Measurement of Inland Navigation Vessels. Concluded at Geneva on 15 February 1966
- Convention on a Code of Conduct for Liner Conferences. Concluded at Geneva on 6 April 1974
- United Nations Convention on Conditions for Registration of Ships. Concluded at Geneva on 7 February 1986

XIII. ECONOMIC STATISTICS

- Protocol amending the International Convention relating to Economic Statistics, signed at Geneva on 14 December 1928. Signed at Paris on 9 December 1948
- International Convention relating to Economic Statistics.
 Signed at Geneva on 14 December 1928 and amended by the Protocol signed at Paris on 9 December 1948
 - (a) International Convention relating to Economic Statistics. Geneva, December 14th, 1928
 - (b) Protocol. Geneva, December 14th, 1928

XIV. EDUCATIONAL AND CULTURAL MATTERS

- Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character. Opened for signature at Lake Success, New York, on 15 July 1949
- Agreement on the Importation of Educational, Scientific and Cultural Materials. Opened for signature at Lake Success, New York, on 22 November 1950
- 3. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Done at Rome on 26 October 1961
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms. Concluded at Geneva on 29 October 1971

- Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials of 22 November 1950. Concluded at Nairobi on 26 November 1976
- International Agreement for the Establishment of the University for Peace. Adopted by the General Assembly of the United Nations on 5 December 1980
- Statutes of the International Centre for Genetic Engineering and Biotechnology. Concluded at Madrid on 13 September 1983
 - (a) Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology. Concluded at Vienna on 4 April 1984

XV. DECLARATION OF DEATH OF MISSING PERSONS

- Convention on the Declaration of Death of Missing Persons. Established and opened for accession on 6 April 1950 by the United Nations Conference on the Declaration of Death of Missing Persons
- Protocol for extending the period of validity of the Convention on the Declaration of Death of Missing Persons. Opened for accession at New York on 16 January 1957
- Protocol for the further extension of the period of validity of the Convention on the Declaration of Death of Missing Persons. Opened for accession at New York on 15 January 1967

XVI. MISCELLANEOUS PENAL MATTERS

- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926. Done at the Headquarters of the United Nations, New York, on 7 December 1953
- Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol done at the Headquarters of the United Nations, New York, on 7 December 1953
- 3. Slavery Convention. Geneva, September 25th, 1926
- 4. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Done at the European Office of the United Nations at Geneva on 7 September 1956
- Convention on the Safety of the United Nations and Associated Personnel. Adopted by the General Assembly of the United Nations on 9 December 1994

XVII. COMMODITIES

- International Agreement on Olive Oil, 1956. Opened for signature at the Headquarters of the United Nations from 15 November 1955 to 15 February 1956
- Protocol amending the International Agreement on Olive Oil, 1956. Adopted at the second session of the United Nations Conference on Olive Oil held in Geneva from 31 March to 3 April 1958
- 3. International Agreement on Olive Oil, 1956, as amended by the Protocol of 3 April 1958
- International Coffee Agreement, 1962. Done at New York on 28 September 1962

- International Coffee Agreement, 1968. Open for signature at New York from 18 to 31 March 1968
 - (a) Extension with modifications of the International Coffee Agreement, 1968. Approved by the International Coffee Council in resolution No. 264 of 14 April 1973
 - (b) International Coffee Agreement, 1968. Open for signature at New York from 18 to 31 March 1968, as extended with modifications by the International Coffee Council in resolution No. 264 of 14 April 1973
 - (c) Protocol for the Continuation in Force of the International Coffee Agreement, 1968, as extended. Concluded at London on 26 September 1974
 - (d) International Coffee Agreement, 1968. Open for signature at New York from 18 to 31 March 1968, as extended by the Protocol of 26 September 1974
- International Sugar Agreement, 1968. Opened for signature at New York from 3 to 24 December 1968
- Agreement establishing the Asian Coconut Community.
 Opened for signature at Bangkok on 12 December 1968
- 8. Agreement establishing the Pepper Community. Opened for signature at Bangkok on 16 April 1971
- 9. International Cocoa Agreement, 1972. Concluded at Geneva on 21 October 1972
- International Sugar Agreement, 1973. Concluded at Geneva on 13 October 1973
 - (a) Extension of the International Sugar Agreement, 1973. Approved by the International Sugar Council in resolution No. 1 of 30 September 1975
 - (b) International Sugar Agreement, 1973. Concluded at Geneva on 13 October 1973, as extended by the International Sugar Council in resolution No. 1 of 30 September 1975
 - (c) Second extension of the International Sugar Agreement, 1973, as extended. Approved by the International Sugar Council in resolution No. 2 of 18 June 1976
 - (d) International Sugar Agreement, 1973. Concluded at Geneva on 13 October 1973, as extended further by the International Sugar Council in resolution No. 2 of 18 June 1976
 - (e) Third extension of the International Sugar Agreement, 1973, as further extended. Approved by the International Sugar Council in resolution No. 3 of 31 August 1977
- 11. Agreement establishing the Asian Rice Trade Fund. Drawn up at Bangkok on 16 March 1973
- 12. Protocol for the Continuation in Force of the International Coffee Agreement, 1968, as extended. Concluded at London on 16 September 1974
- 13. Fifth International Tin Agreement, 1975. Concluded at Geneva on 21 June 1975
- 14. International Cocoa Agreement, 1975. Concluded at Geneva on 20 October 1975
- 15. International Coffee Agreement, 1976. Concluded at London on 3 December 1975
 - (a) Extension of the International Coffee Agreement, 1976. Approved by the International Coffee Council in resolution No. 318 of 25 September 1981

- (b) International Coffee Agreement, 1976. Concluded at London on 3 December 1975, as extended until 30 September 1983 by the International Coffee Council in resolution No. 318 of 25 September 1981
- 16. Agreement establishing the International Tea Promotion Association. Concluded at Geneva on 31 March 1977
- Agreement establishing the Southeast Asia Tin Research and Development Centre. Concluded at Bangkok on 28 April 1977
- 18. International Sugar Agreement, 1977. Concluded at Geneva on 7 October 1977
 - (a) Extension of the International Sugar Agreement, 1977. Approved by the International Sugar Council in decisions No. 13 of 20 November 1981 and No. 14 of 21 May 1982
 - (b) Extension of the International Sugar Agreement, 1977. Concluded at Geneva on 7 October 1977, as extended until 31 December 1984 by the International Sugar Council in decisions No. 13 of 20 November 1981 and No. 14 of 21 May 1982
- 19. Agreement establishing the International Tropical Timber Bureau. Concluded at Geneva on 9 November 1977
- 20. International Natural Rubber Agreement, 1979. Concluded at Geneva on 6 October 1979
- Agreement establishing the Common Fund for Commodities. Concluded at Geneva on 27 June 1980
- 22. International Cocoa Agreement, 1980. Concluded at Geneva on 19 November 1980
- 23. Sixth International Tin Agreement. Concluded at Geneva on 26 June 1981
- International Agreement on Jute and Jute Products, 1982.
 Concluded at Geneva on 1 October 1982
- 25. International Coffee Agreement, 1983. Adopted by the International Coffee Council on 16 September 1982
 - (a) Extension of the International Coffee Agreement, 1983, with modifications. Approved by the International Coffee Council in resolution No. 347 of 3 July 1989
 - (b) International Coffee Agreement, 1983 Adopted by the International Coffee Council on 16 September 1982, as modified and extended by resolution No. 347 of 3 July 1989
 - (c) Second Extension of the International Coffee Agreement, 1983, as modified. Adopted by the International Coffee Council by resolution No. 352 of 28 September 1990
 - (d) International Coffee Agreement, 1983. Adopted by the International Coffee Council on 16 September 1982, as modified by resolution No. 347 of 3 July 1989 and extended further by resolution No. 352 of 28 September 1990
 - (e) Third Extension of the International Coffee Agreement, 1983, as modified. Adopted by the International Coffee Council by resolution No. 355 of 27 September 1991
 - (f) International Coffee Agreement, 1983. Adopted by the International Coffee Council on 16 September 1982, as modified by resolution No. 347 of 3 July 1989 and extended further by resolution No. 355 of 27 September 1991

- (g) Fourth extension of the International Coffee Agreement, 1983, as modified. Adopted by the International Coffee Council by resolution No. 363 of 4 June 1993
- (h) International Coffee Agreement, 1983. Adopted by the International Coffee Council on 4 June 1993, as modified by resolution No. 347 of 3 July 1989 and further extended by resolution No. 363 of 4 June 1993
- International Tropical Timber Agreement, 1983. Concluded at Geneva on 18 November 1983
- International Sugar Agreement, 1984. Concluded at Geneva on 5 July 1984
- 28. International Wheat Agreement, 1986
 - (a) Wheat Trade Convention, 1986. Concluded at London on 14 March 1986
 - (b) Food Aid Convention, 1986. Concluded at London on 13 March 1986
- Terms of Reference of the International Nickel Study Group. Adopted on 2 May 1986 by the United Nations Conference on Nickel, 1985
- International Agreement on Olive Oil and Table Olives,
 1986. Concluded at Geneva on 1 July 1986
 - (a) Protocol of 1993 extending the International Agreement on Olive Oil and Table Olives, 1986, with amendments. Done at Geneva on 10 March 1993
 - (b) International Agreement on Olive Oil and Table Olives, 1986, as amended and extended, 1993. Done at Geneva on 10 March 1993
- 31. International Cocoa Agreement, 1986. Concluded at Geneva on 25 July 1986
- 32. International Natural Rubber Agreement, 1987. Concluded at Geneva on 20 March 1987
- 33. International Sugar Agreement, 1987. Concluded at London on 11 September 1987
- Terms of Reference of the International Tin Study Group.
 Adopted on 7 April 1989 by the United Nations Tin Conference, 1988
- 35. Terms of Reference of the International Copper Study Group. Adopted on 24 February 1989 by the United Nations Conference on Copper, 1988
- International Agreement on Jute and Jute Products, 1989.
 Concluded at Geneva on 3 November 1989
- 37. International Sugar Agreement, 1992. Concluded at Geneva on 20 March 1992
- 38. International Cocoa Agreement, 1993. Concluded at Geneva on 16 July 1993
- 39. International Tropical Timber Agreement, 1994. Concluded at Geneva on 26 January 1994
- 40. International Coffee Agreement, 1994. Adopted by the International Coffee Council on 30 March 1994
- 41. International Grains Agreement, 1995
 - (a) Grains Trade Convention, 1995. Concluded at London on 7 December 1994
 - (b) Food Aid Convention, 1995. Concluded at London on 5 December 1994
- 42. International Natural Rubber Agreement, 1995. Concluded at Geneva on 17 February 1995

XIX. MAINTENANCE OBLIGATIONS

 Convention on the Recovery Abroad of Maintenance. Done at New York on 20 June 1956

XX. LAW OF THE SEA

- Convention on the Territorial Sea and the Contiguous Zone. Done at Geneva on 29 April 1958
- Convention on the High Seas. Done at Geneva on 29 April 1958
- Convention on Fishing and Conservation of the Living Resources of the High Seas. Done at Geneva on 29 April 1958
- Convention on the Continental Shelf. Done at Geneva on 29 April 1958
- Optional Protocol of Signature concerning the Compulsory Settlement of Disputes. Done at Geneva
- United Nations Convention on the Law of the Sea. Concluded at Montego Bay, Jamaica, on 10 December 1982
 - (a) Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982. Adopted by the General Assembly of the United Nations on 28 July 1994
- 7. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

XXI. COMMERCIAL ARBITRATION

- Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Done at New York on 10 June 1958
- European Convention on International Commercial Arbitration. Done at Geneva on 21 April 1961

XXII. LAW OF TREATIES

- 1. Vienna Convention on the Law of Treaties. Concluded at Vienna on 23 May 1969
- 2. Vienna Convention on Succession of States in respect of Treaties. Concluded at Vienna on 23 August
- Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. Concluded at Vienna on 21 March 1986

XXIII. TELECOMMUNICATIONS

- Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Concluded at Brussels on 21 May 1974
- Constitution of the Asia-Pacific Telecommunity. Adopted by the United Nations Economic and Social Commission for Asia and the Pacific on 27 March 1976
 - (a) Amendment to article 11, paragraph 2 (a), of the Constitution of the Asia-Pacific Telecommunity. Adopted by the General Assembly of the Asia-Pacific Telecommunity at Bangkok on 13 November 1981

- (b) Amendments to articles 3(5) and 9(8) of the Constitution of the Asia-Pacific Telecommunity, adopted by the General Assembly of the Asia-Pacific Telecommunity, held at Colombo (Sri Lanka) on 29 November 1991
- Agreement establishing the Asia-Pacific Institute for Broadcasting Development. Concluded at Kuala Lumpur on 12 August 1977

XXIV. DISARMAMENT

- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (and Protocols). Concluded at Geneva on 10 October 1980
 - (a) Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. Adopted at the 8th Plenary meeting of the States Parties on 13 October
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Opened for signature at Paris on 13 January 1993

XXV. ENVIRONMENT

- Convention on Long-Range Transboundary Air Pollution. Concluded at Geneva on 13 November 1979
 - (a) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Long-Term Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-Range Transmission of Air Pollutants in Europe (EMEP). Concluded at Geneva on 8 September 1984
 - (b) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent. Concluded at Helsinki on 8 July 1985
 - (c) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes. Concluded at Sofia on 31 October 1988
 - (d) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes. Concluded at Geneva on 18 November 1991
 - (e) Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions. Concluded at Oslo on 14 June 1994
- Vienna Convention for the Protection of the Ozone Layer. Concluded at Vienna on 22 March 1985
 - (a) Montreal Protocol on Substances that Deplete the Ozone Layer, Concluded at Montreal on 16 September 1987
 - (b) Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. Adopted at the Second Meeting of the Parties at London on 29 June 1990
 - (c) Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. Adopted at the Fourth Meeting of the Parties at Copenhagen on 25 November 1992

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Concluded at Basel on 22 March 1989
 - (a) Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. Adopted at the Third Meeting of the Parties at Geneva on 22 September 1995
- Convention on Environmental Impact Assessment in a Transboundary Context Concluded at Espoo (Finland) on 25 February 1991
- Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Concluded at Helsinki on 17 March 1992
- Convention on the Transboundary Effects of Industrial Accidents. Concluded at Helsinki on 17 March
- United Nations Framework Convention on Climate Change. Concluded at New York on 9 May 1992
- 8. Convention on Biological Diversity. Opened for signature at Rio de Janeiro on 5 June 1992
- Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas. Opened for signature at New York on 17 March 1992
- United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. Opened for signature at Paris on 14 October
- Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. Adopted at the Ministerial Meeting at Lusaka on 8 September 1994

XXVI. FISCAL MATTERS

- (a) Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties. Concluded at Madrid on 13 December 1979
 - (b) Additional Protocol. Concluded at Madrid on 13 December 1979

League of Nations Treaties

- Convention concerning the Use of Broadcasting in the Cause of Peace. Geneva, September 23rd, 1936
- Special Protocol concerning Statelessness. The Hague, April 12th, 1930
- Protocol relating to a Certain Case of Statelessness. The Hague, April 12th, 1930
- Convention on Certain Questions relating to the Conflict of Nationality Laws. The Hague, April 12th, 1930
- Protocol relating to Military Obligations in Certain Cases of Double Nationality. The Hague, April 12th, 1930
- Protocol on Arbitration Clauses. Geneva, September 24th, 1923
- Convention on the Execution of Foreign Arbitral Awards. Geneva, September 26th, 1927
- Convention for the Settlement of Certain Conflicts of Laws in connection with Bills of Exchange and Promissory Notes. Geneva, June 7th, 1930
- Convention for the Settlement of Certain Conflicts of Laws in connection with Cheques. Geneva, March 19th, 1931

- Convention providing a Uniform Law for Bills of Exchange and Promissory Notes. Geneva, June 7th, 1930
- 11. Convention providing a Uniform Law for Cheques. Geneva, March 19th, 1931
- Convention on the Stamp Laws in connection with Bills of Exchange and Promissory Notes. Geneva, June 7th, 1930
- 13. Convention on the Stamp Laws in connection with Cheques. Geneva, March 19th, 1931
- 14. (a) International Convention for the Suppression of Counterfeiting Currency
 - (b) Protocol. Geneva, April 20th, 1929
- Optional Protocol concerning the Suppression of Counterfeiting Currency. Geneva, April 20th, 1929
- Convention and Statute on Freedom of Transit. Barcelona, April 20th, 1921
- Convention and Statute on the Regime of Navigable Waterways of International Concern. Barcelona, April 20th, 1921
- Additional Protocol to the Convention on the Regime of Navigable Waterways of International Concern. Barcelona, April 20th, 1921
- 19. Declaration recognising the Right to a Flag of States having no Sea-coast. Barcelona, April 20th, 1921
- Convention and Statute on the International Regime of Maritime Ports. Geneva, December 9th, 1923
- 21. Convention on the Taxation of Foreign Motor Vehicles. Geneva, March 30th, 1931
- 22. International Convention relating to the Simplification of Customs Formalities. Geneva, November 3rd, 1923
- 23. International Convention for the Campaign against Contagious Diseases of Animals. Geneva, February 20th, 1935
- 24. Convention concerning the Transit of Animals, Meat and Other Products of Animal Origin. Geneva, February 20th, 1935
- 25. International Convention concerning the Export and Import of Animal Products (other then Meat, Meat Preparations, Fresh Animal Products, Milk and Milk Products). Geneva, February 20th, 1935
- 26. Convention establishing an International Relief Union. Geneva, July 12th, 1927
- 27. Convention on the International Regime of Railways. Geneva, December 9th, 1923
- 28. Convention regarding the Measurement of Vessels Employed in Inland Navigation. Paris, November 27th, 1925
- 29. General Act of Arbitration (Pacific Settlement of International Disputes). Geneva, September 26th, 1928
- 30. Convention concerning the Unification of Road Signals. Geneva, March 30th, 1931
- 31. Agreement concerning Maritime Signals. Signed at Lisbon, October 23, 1930
- 32. Convention relating to the Non-Fortification and Neutralisation of the Aaland Islands. Geneva. October 20, 1921
- 33. Agreement concerning Manned Lightships not on their Stations. Lisbon, October 23, 1930

Food and Agriculture Organization of the United Nations (FAO)

Conventions and agreements concluded under article XIV of the FAO Constitution

- 1. Agreement for the Establishment of the Asia-Pacific Fisheries Commission, approved by the Fourth Session of the FAO Conference in November 1948
 - —Amendments to the Agreement approved by the 107th Session of the FAO Council in November 1994
- Constitution of the International Rice Commission, approved by the Fourth Session of the FAO Conference in November 1948
- 3. Agreement for the Establishment of a General Fisheries Council for the Mediterranean, approved by the Fifth Session of the FAO Conference in November 1949
- International Plant Protection Convention, approved by the Sixth Session of the FAO Conference in November 1951
- —Amendments to the Convention approved by the 20th Session of the FAO Conference in November 1979
- Constitution of the European Commission for the Control of Foot-and-Mouth Disease, approved by the Seventh Session of the FAO Conference in December 1953
- Plant Protection Agreement for the Asia and Pacific Region, approved by the 23rd Session of the FAO Council in November 1955
 - (a) Amendment to Article I(a) of the Agreement, approved by the 49th Session of the FAO Council
 - (b) Amendments to the title of the Agreement and to the name of the Committee, approved by the 75th Session of the FAO Council
 - (c) Amendment to Article I(a) of the Agreement, approved by the 84th Session of the FAO Council
 - (d) Amendments to Articles II, III, IV and XIV concerning financial obligations, approved by the 84th Session of the FAO Council
- Convention Placing the International Poplar Commission within the Framework of FAO, approved by the Tenth Session of the FAO Conference in November 1959
- Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia, approved by the Twelfth Session of the FAO Conference in December 1963
- Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Near East, approved by the 44th Session of the FAO Council in July 1965
- Agreement for the Establishment of a Commission for Controlling the Desert Locust in North-West Africa, approved by the 55th Session of the FAO Council in November 1970
- Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific, approved by the 60th Session of the FAO Council in June 1973
- 12. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the 27th Session of the FAO Conference in November 1993

- Agreement for the Establishment of the Indian Ocean Tuna Commission approved by the 105th Session of the FAO Council in November 1993
- Conventions and agreements concluded outside the framework of FAO in respect of which the Director-General exercises depositary functions
- International Convention for the Conservation of Atlantic Tunas, concluded at Rio de Janeiro on 14 May 1966
 - (a) Protocol amending the Convention, concluded at Paris on 10 July 1984
 - (b) Protocol to Amend Paragraph 2 of Article X of the Convention, concluded at Madrid on 5 June 1992
- Convention on the Conservation of the Living Resources of the South-East Atlantic, concluded at Rome on 23 October 1969
 - (a) Amendments to Articles VIII, XVII, XIX and XXI of the Convention, approved on 12 December 1985
 - (b) Amendment to Article XIII(1) of the Convention, approved on 12 December 1985
 - (c) Protocol of Termination of the Convention, concluded at Madrid on 19 July 1990
- Agreement for the Establishment of a Centre on Integrated Rural Development for Asia and the Pacific, concluded at Kuala Lumpur on 29 July 1978
- Agreement for the Establishment of a Centre on Integrated Rural Development for Africa, concluded at Arusha on 21 September 1979
- Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development of Latin America and the Caribbean, concluded at Caracas on 11 September 1981
 - Protocol to amend the Agreement, concluded at Panama on 17 July 1985
- Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development for the Near East, concluded at Rome on 28 September 1983
- Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region, concluded at Kuala Lumpur on 13 December 1985
- Agreement on the Network of Aquaculture Centres in Asia and the Pacific, concluded at Bangkok on 8 January 1988
- Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean, concluded at Dakar on 5 July 1991
- Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa, concluded at Abidjan on 13 December 1991
- Agreement for the Establishment of the Near East Plant Protection Organization, concluded at Rabat on 18 February 1993
- Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region, concluded at Manama on 24 June 1993
- Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America

- and the Caribbean, concluded at San Jose on 18 February 1994
- 14. Convention for the Establishment of the Lake Victoria Fisheries Organization, concluded at Kisumu, Kenya

Convention on the privileges and immunities of the specialized agencies

International Atomic Energy Agency

Multilateral treaties for which the IAEA Director General is depositary

- Vienna Convention on Civil Liability for Nuclear Damage, 1963
- Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention, 1988
- 3. Convention on the Physical Protection of Nuclear Material, 1979
- 4. Convention on Early Notification of a Nuclear Accident,
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986
- 6. Convention on Nuclear Safety, 1994

International Labour Organization

- 1. Hours of Work (Industry) Convention, 1919
- 2. Unemployment Convention, 1919
- 3. Maternity Protection Convention, 1919
- 4. Night Work (Women) Convention, 1919
- 5. Minimum Age (Industry) Convention, 1919
- Night Work of Young Persons (Industry) Convention, 1919
- 7. Minimum Age (Sea) Convention, 1920
- 8. Unemployment Indemnity (Shipwreck) Convention, 1920
- 9. Placing Seaman Convention, 1920
- 10. Minimum Age (Agriculture) Convention, 1921
- 11. Right of Association (Industry) Convention, 1921
- Workman's Compensation (Agriculture) Convention, 1921
- 13. White Lead (Painting) Convention, 1921
- 14. Weekly Rest (Industry) Convention, 1921
- 15. Minimum Age (Trimmers and Stokers) Convention, 1921
- Medical Examination of Young Persons (Sea) Convention, 1921
- 17. Workman's Compensation (Accidents) Convention, 1925
- Workman's Compensation (Occupational diseases) Convention, 1925
- Equality of Treatment (Accident compensation) Convention, 1925
- 20. Night Work (Bakeries) Convention, 1925
- 21. Inspection of Emigrants Convention, 1926
- 22. Seamen's Articles of Agreement Convention, 1926
- 23. Repatriation of Seamen Convention, 1926
- 24. Sickness Insurance (Industry) Convention, 1927
- 25. Sickness Insurance (Agriculture) Convention, 1927
- 26. Minimum Wage-Fixing Machinery Convention, 1928

- 27. Marking of Weight (Packages transported by vessels)
 Convention, 1929
- 28. Protection against Accidents (Dockers) Convention, 1929
- 29. Forced Labour Convention, 1930
- 30. Hours of Work (Commerce and offices) Convention, 1930
- 31. Hours of Work (Coal Mines) Convention, 1931
- 32. Protection against Accidents (Dockers) Convention (revised), 1932
- Minimum Age (Non-industrial employment) Convention, 1932
- 34. Fee-Charging Employment Agencies Convention, 1933
- 35. Old-Age Insurance (Industry, etc.) Convention, 1933
- 36. Old-Age Insurance (Agriculture) Convention, 1933
- 37. Invalidity Insurance (Industry, etc.) Convention, 1933
- 38. Invalidity Insurance (Agriculture) Convention, 1933
- 39. Survivors' Insurance (Industry, etc.) Convention, 1933
- 40. Survivors' Insurance (Agriculture) Convention, 1933
- 41. Night Work (Women) Convention (revised), 1934
- Workman's Compensation (Occupational diseases) Convention (revised), 1934
- 43. Sheet-glass Works Convention, 1934
- 44. Unemployment Provision Convention, 1934
- 45. Underground Work (Women) Convention, 1935
- 46. Hours of Work (Coal Mines) Convention (revised), 1935
- 47. Forty-Hour Week Convention, 1935
- Maintenance of Migrants' Pension Rights Convention, 1935
- Reduction of Hours of Work (Glass-bottle work) Convention, 1935
- 50. Recruiting of Indigenous Workers Convention, 1936
- Reduction of Hours of Work (Public works) Convention, 1936
- 52. Holidays with Pay Convention, 1936
- 53. Officers' Competency Certificates Convention, 1936
- 54. Holidays with Pay (Sea) Convention, 1936
- Shipowners' Liability (Sick and injured seamen) Convention, 1936
- 56. Sickness Insurance (Sea) Convention, 1936
- 57. Hours of Work and Manning (Sea) Convention, 1936
- 58. Minimum Age (Sea) Convention (revised), 1936
- 59. Minimum Age (Industry) Convention (revised), 1937
- 60. Minimum Age (Non-industrial employment) Convention,
- 61. Reduction of Hours of Work (Textiles) Convention, 1937
- 62. Safety Provisions (Building) Convention, 1937
- Convention concerning Statistics of Wage and Hours of Work, 1938
- Contracts of Employment (Indigenous workers) Convention, 1939
- 65. Penal Sanctions (Indigenous workers) Convention, 1939
- 66. Migration for Employment Convention, 1939
- 67. Hours of Work and Rest Periods (Road transport) Convention, 1939
- 68. Food and Catering (Ship's crew) Convention, 1946
- 69. Certification of Ships' Cooks Convention, 1946
- 70. Social Security (Seafarers) Convention, 1946

- 71. Seafarers' Pensions Convention, 1946
- 72. Paid Vacations (Seafarers) Convention, 1946
- 73. Medical Examination (Seafarers) Convention, 1946
- 74. Certification of Able Seamen Convention, 1946
- 75. Accommodation of Crews Convention, 1946
- 76. Wages, Hours of Work and Manning (Sea) Convention, 1946
- Medical Examination of Young Persons (Industry) Convention, 1946
- 78. Medical Examination of Young Persons (Non-industrial occupations) Convention, 1946
- Night Work of Young Persons (Non-industrial occupations) Convention, 1946
- 80. Final Articles Revision Convention, 1946
- 81. Labor Inspection Convention, 1947
- Social Policy (Non-metropolitan territories) Convention, 1947
- 83. Labor Standards (Non-metropolitan territories) Convention, 1947
- Right of Association (Non-metropolitan territories) Convention, 1947
- 85. Labor Inspectorates (Non-metropolitan territories), 1947
- 86. Contracts of Employment (Indigenous workers), 1947
- 87. Freedom of Association and the Right to Organise, 1948
- 88. Employment Service Convention, 1948
- 89. Night Work (Women) Convention (revised), 1948
- Night Work of Young Persons (Industry) Convention (revised), 1948
- 91. Paid Vacations (Seafarers) Convention (revised), 1949
- 92. Accommodation of Crews Convention (revised), 1949
- 93. Wages, Hours of Work and Manning (Sea) Convention (revised), 1949
- 94. Labor Clauses (Public contracts) Convention, 1949
- 95. Protection of Wages Convention, 1949
- Fee-Charging Employment Agencies Convention (revised), 1949
- 97. Migration for Employment Convention, 1949
- 98. Right to Organise and Collective Bargaining Convention
- Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951
- 100. Equal Remuneration Convention, 1951
- 101. Holidays with Pay (Agriculture) Convention, 1952
- 102. Social Security (Minimum Standard) Convention, 1952
- 103. Maternity Protection Convention (revised), 1952
- 104. Abolition of Penal Sanction (Indigenous workers) Convention, 1955
- 105. Abolition of Forced Labor Convention, 1957
- 106. Weekly Rest (Commerce and offices) Convention, 1957
- 107. Indigenous and Tribal Population Convention, 1957
- 108. Seafarers Identity Documents Convention, 1958
- 109. Wages, Hours of Work and Manning (Sea) Convention (revised), 1958
- 110. Plantations Convention, 1958
- 111. Discrimination (Employment and occupation) Convention, 1958
- 112. Minimum Age (Fishermen) Convention, 1959

- 113. Medical Examination (Fishermen) Convention, 1959
- 114. Fishermen's Articles of Agreement Convention, 1959
- 115. Radiation Protection Convention, 1960
- 116. Final Article Revision Convention, 1961
- 117. Social Policy (Basic aims and standards) Convention, 1962
- 118. Equality of Treatment (Social security) Convention, 1962
- 119. Guarding of Machinery Convention, 1963
- 120. Hygiene (Commerce and offices) Convention, 1964
- 121. Employment Injury Benefits Convention, 1964
- 122. Employment Policy Convention, 1964
- 123. Minimum Age (Underground work) Convention, 1965
- 124. Medical Examination of Young Persons (Underground work) Convention, 1965
- 125. Fishermen's Competency Certificates Convention, 1966
- 126. Accommodation of Crews (Fishermen) Convention
- 127. Maximum Weight Convention, 1967
- 128. Invalidity, Old Age and Survivors' Benefits Convention, 1967
- 129. Labor Inspection (Agriculture) Convention, 1969
- 130. Medical Care and Sickness Benefits Convention, 1969
- 131. Minimum Wage Fixing Convention, 1970
- 132. Holidays with Pay Convention, 1970
- 133. Accommodation of Crews (Supplementary provision) Convention, 1970
- 134. Prevention of Accidents (Seafarers) Convention, 1970
- 135. Workers' Representatives Convention, 1971
- 136. Benzene Convention, 1971
- 137. Dock Work Convention, 1973
- 138. Minimum Age Convention, 1973
- 139. Occupational Cancer Convention, 1974
- 140. Paid Educational Leave Convention, 1974
- 141. Rural Workers Organisation Convention, 1975
- 142. Human Resources Development Convention, 1975
- Migrant Workers (Supplementary provisions) Convention. 1975
- 144. Tripartite Consultation (International labor standards) Convention, 1976
- 145. Continuity of Employment (Seafarers) Convention, 1976
- 146. Seafarers Annual Leave with Pay Convention, 1976
- 147. Merchant Shipping (Minimum standards) Convention, 1976
- 148. Working Environment (Air pollution, noise and vibration) Convention, 1977
- 149. Nursing Personnel Convention, 1977
- 150. Labor Administration Convention, 1978
- 151. Labor Relations (Public service) Convention, 1978
- 152. Occupational Safety and Health (Dock work) Convention, 1979
- 153. Hours of Work and Rest Periods (Road transport) Convention, 1979
- 154. Collective Bargaining Convention, 1981
- 155. Occupational Safety and Health Convention, 1981
- 156. Workers with Family Responsibilities Convention, 1981
- 157. Maintenance of Social Security Rights Convention, 1982
- 158. Termination of Employment Convention, 1982

- 159. Vocational Rehabilitation and Employment Convention, 1983
- 160. Labor Statistics Convention, 1985
- 161. Occupational Health Services Convention, 1985
- 162. Asbestos Convention, 1986
- 163. Seafarers Welfare Convention, 1987
- 164. Health Protection and Medical Care (Seafarers) Convention, 1987
- 165. Social Security (Seafarers) Convention, 1987
- 166. Repatriation of Seafarers Convention, 1987
- 167. Safety and Health in Construction Convention, 1988
- 168. Employment Promotion and Protection against Unemployment Convention, 1988
- 169. Indigenous and Tribal Peoples Convention, 1989
- 170. Chemicals Convention, 1990
- 171. Night Work Convention, 1990
- 172. Working Conditions (Hotel and restaurants) Convention, 1991
- 173. Protection of Workers Claim in the Event of Employer Insolvency Convention, 1992
- 174. The Prevention of Major Industrial Accidents, 1993
- 175. Part-time Work, 1994
- 176. Safety and Health in Mines Convention, 1995

United Nations Environment Programme

List of conventions and protocols

- Convention for the Establishment of the European and Mediterranean Plant Protection Organization (as amended), Paris, 1951
- 2. International Plant Protection Convention. Rome, 1961
- 3. International Plant Protection Convention (as amended in 1979), Rome, 1979
- 4. International Convention for the Protection of New Varieties of Plants (as amended in 1978), Paris, 1981
- Vienna Convention on Civil Liability for Nuclear Damage, Vienna, 1963
- Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, Moscow, 1963
- 7. Convention for the International Council for the Exploration of the Sea, Copenhagen, 1984
- 8. Protocol amending the International Convention for the Conservation of Atlantic Tunas, Paris, 1984
- Protocol amending the International Convention for the Conservation of Atlantic Tunas, Madrid, 1992
- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, London, Moscow, Washington, 1967
- 11. Phyto-Sanitary Convention for Africa. Kinshasa, 1967
- 12. European Convention on the Protection of the Archaeological Heritage, London, 1980
- International Convention on Civil Liability for Oil Pollution Damage, Brussels, 1969
- 14. Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1976
- Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1984

- Protocol to the International Convention on Civil Liability for Oil Pollution Damage, London, 1992
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels, 1969
- Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, London, 1973
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof, London, Moscow, Washington, 1971
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, Brussels, 1971
- Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1976
- Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1984
- 23. Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, London, 1992
- 24. Protocol to the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 1980
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, London, Moscow, Washington, 1972
- Convention Concerning the Protection of the World Cultural and Natural Heritage, Paris, 1972
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (as amended), London, Mexico City, Moscow, [Washington], 1972
- 28. Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973
- 29. International Convention for the Prevention of Pollution from Ships, London, 1973
- Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, London, 1978
- 31. Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1974
- 32. Agreement on an International Energy Programme, Paris, 1974
- 33. Convention for the Protection of the Mediterranean Sea against Pollution, Barcelona, 1976
- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, Barcelona, 1976
- Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, Barcelona, 1976
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources, Athens, 1980
- 37. Protocol Concerning Mediterranean Specially Protected Areas, Geneva, 1982

- 38. European Convention for the Protection of Animals Kept for Farming Purposes, Strasbourg, 1976
- Protocol of Amendment to the European Convention for the Protection of Animals Kept for Farming Purposes, Strasbourg, 1992
- Protocol for the Protection of the Marine Environment against Pollution from Land-based Sources, Kuwait, 1990
- 41. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979
- 42. European Convention for the Protection of Animals for Slaughter, Strasbourg, 1979
- 43. Convention on the Conservation of European Wildlife and Natural Habitat, Berne, 1979
- 44. Convention on the Conservation of Antarctic Marine Living Resources, Canberra, 1980
- 45. European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities, Madrid, 1980
- Convention on the Physical Protection of Nuclear Material, Vienna, 1980
- Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South East Pacific, Paipa, 1980
- 48. Protocol for the Protection of the South East Pacific against Radioactive Contamination, Paipa, 1980
- Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985
- Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987
- 51. Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, London, 1990
- 52. Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 1992
- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, Nairobi, 1985
- 54. Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, Nairobi, 1985
- Protocol Concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, Nairobi, 1985
- Convention on Early Notification of a Nuclear Accident, Vienna, 1986
- 57. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, Vienna, 1986
- European Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes, Strasbourg, 1986
- European Convention for the Protection of Pet Animals, Strasbourg, 1987
- 60. Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention, Vienna, 1988
- Basel Convention the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Basel, 1989
- 62. Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, Washington. 1989

- 63. Protocol I to Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, Noumea, 1990
- 64. International Convention on Salvage, London. 1989
- 65. International Convention on Oil Pollution Preparedness, Response and Cooperation, London, 1990
- 66. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, Bamako, 1991
- 67. European Convention on the Protection of the Archaeological Heritage (revised), Valletta, 1992
- Convention for the Conservation of Anadromous Stocks, Moscow, 1992
- 69. Convention on the Protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1992
- Convention on the Protection of the Black Sea against Pollution, Bucharest, 1992
- Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-based Sources, Bucharest, 1992
- 72. Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations, Bucharest, 1992
- 73. United Nations Framework Convention on Climate Change, New York, 1992
- 74. Convention on Biological Diversity, Rio de Janeiro, 1992
- 75. Convention for the Protection of the Marine Environment for the North-East Atlantic, Paris, 1992
- 76. Agreement for the Establishment of the Near East Plant Protection Organization, Rabat, 1993
- Convention for the Conservation of Southern Bluefin Tuna, Canberra, 1993
- 78. Agreement Establishing the South Pacific Regional Environment Programme, Apia, 1993
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, Rome, 1993
- 80. Agreement for the Establishment of the Indian Ocean Tuna Commission, Rome, 1993
- 81. Convention on Nuclear Safety, Vienna, 1994

New adopted conventions and protocols

- Convention Concerning the Protection of Alps, adopted at Salzburg, Austria on 7 November 1991
- Agreement on the Conservation of Bats in Europe, adopted at London on 4 December 1991
- Treaty on European Union, adopted at Maastricht, Netherlands, on 7 February 1992. The Treaty contains provisions by which environmental protection is recognized as one of the major issues the Community is required to address
- The Convention Concerning the Conservation of the Biodiversity and the Protection of Priority Forestry Areas of Central America, adopted at Managua, Nicaragua, on 5 June 1992
- Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, adopted at Madrid on 24 July 1992

- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the fourth meeting of the Parties at Copenhagen on 25 November 1992
- Protocol to Amend the International Convention on Civil Liability for Oil Pollution Damage, adopted at London on 27 November 1992
- Protocol to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, adopted at London on 27 November 1992
- North American Free Trade Agreement, adopted on 17
 December 1992. The Agreement contains provisions on,
 inter alia, relation to environmental agreements, sanitary
 and phyto-sanitary measures and technical barriers to
 trade, including standards-related measures
- 10. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction, adopted at Paris on 13 January 1993. The Convention sets out provisions obligating the Parties to assign the highest priority to ensuring the safety of people and the environment
- 11. Agreement for the Establishment of the Near East Plant Protection Organization, adopted at Rabat, Morocco, on 18 February 1993
- Protocol to the International Convention for the Safety of Fishing Vessels, adopted at Torremolinos, Spain, on 2 April 1993
- Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment, adopted at Lugano, Switzerland, on 21 June 1993
- Convention on the Prevention of Major Industrial Accidents, adopted at Geneva on 22 June 1993
- North American Agreement on Environmental Cooperation, adopted on 13 September 1993
- 16. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the twenty-seventh session of the Conference of the Food and Agriculture Organization of the United Nations at Rome on 24 November 1993
- United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, adopted at Paris on 17 June 1994
- Convention for the Establishment of the Lake Victoria Fisheries Organization, adopted at Kisumu, Kenya, on 30 June 1994
- 19. Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted at New York on 28 July 1994. The Agreement, *inter alia*, strengthens the provisions relating to the protection of the marine environment from deep seabed activities
- Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, adopted at Lusaka on 8 September 1994

United Nations Educational, Scientific and Cultural Organization (UNESCO)

- Conventions and agreements of a standard-setting nature adopted either by the General Conference or by intergovernmental conferences convened solely by UNESCO or jointly with other international organizations
- Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character, with Protocol of Signature and model form of certificate provided for in Article IV of the above-mentioned Agreement. Beirut, 10 December 1948
- Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A, B, C, D and E and Protocol annexed. Florence, 17 June 1950
- Universal Copyright Convention with Appendix Declaration relating to Article XVII and resolution concerning Article XI. Geneva, 6 September 1952
- Protocol 1 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of Stateless persons and refugees. Geneva, 6 September 1952.
- 5 Protocol 2 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of certain international organizations. Geneva, 6 September 1952
- 6. Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance of, or accession to, that Convention. Geneva, 6 September 1952
- Convention for the Protection of Cultural Property in the Event of Armed Conflict, with Regulations for the Execution of the Convention. The Hague, 14 May 1954
- 8. Protocol for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954
- Convention concerning the International Exchange of Publications. Paris, 3 December 1958
- Convention concerning the Exchange of Official Publications and Government Documents between States. Paris, 3 December 1958
- Convention against Discrimination in Education. Paris, 14 December 1960
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Rome, 26 October 1961
- 13. Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education. Paris, 10 December 1962
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris, 14 November 1970
- 15. Universal Copyright Convention as revised at Paris on 24 July 1971 with Appendix Declaration relating to Article XVII and resolution concerning Article XI. Paris, 24 July 1971
- Protocol 1 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the Application of that Convention to works of Stateless persons and refugees. Paris, 24 July 1971

- 17. Protocol 2 annexed to the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations. Paris, 24 July 1971
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms. Geneva, 29 October 1971
- 18. Convention for the Protection of the World Cultural and Natural Heritage. Paris, 16 November 1972
- Convention relating to the Distribution of Programmecarrying Signals Transmitted by Satellite. Brussels, 21 May 1974
- Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean. Mexico City, 19 July 1974
- Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials. Nairobi, 26 November 1976
- 23. International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States Bordering on the Mediterranean. Nice, 17 December 1976
- Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States. Paris, 22 December 1978
- Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties and Additional Protocol. Madrid, 13 December 1979
- Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. Paris, 21 December 1979
- Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States. Arusha (Tanzania), 5 December 1981
- Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific. Bangkok, 16 December 1983
- Convention on Technical and Vocational Education. Paris, 10 November 1989

Other agreements of a normative character for which the organization is depositary

- Convention on Wetlands of International Importance especially as Waterfowl Habitat. Ramsar (Iran), 2 February 1971.
- Protocol to amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat. Paris, 3 December 1982

Recommendations

- Recommendation in International Principles Applicable to Archaeological Excavations. 5 December 1956
- Recommendation concerning the Most Effective Means of Rendering Museums Accessible to Everyone. 14 December 1960.
- 3. Recommendation against Discrimination in Education. 14 December 1960
- Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites. 11 December 1962.

- Recommendation concerning the International Standardization of Statistics Relating to Book Production and Periodicals. 19 November 1964
- 6. Recommendation on the Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property. 19 November 1964
- Recommendation concerning the Status of Teachers. 5 October 1966
- Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works. 19 November 1968
- 9. Recommendation concerning the International Standardization of Library Statistics. 13 November 1970
- Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage. 16 November 1972
- Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms. 19 November 1974
- Revised Recommendation concerning Technical and Vocational Education, 19 November 1974
- Recommendation on the Status of Scientific Researchers.
 November 1974
- Recommendation on the Legal Protection of Translators and Translations and the Practical Means to Improve the Status of Translators. 22 November 1976
- Recommendation concerning the International Standardization of Statistics on Radio and Television. 22 November 1976
- Recommendation on the Development of Adult Education.
 November 1976
- Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It. 26 November 1976
- Recommendation concerning the International Exchange of Cultural Property. 26 November 1976
- Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas. 26 November 1976
- Revised Recommendation concerning International Competitions in Architecture and Town Planning. 27 November 1978
- Revised Recommendation concerning the International Standardization of Educational Statistics. 27 November 1978
- Recommendation concerning the International Standardization of Statistics on Science and Technology. 27 November 1978
- 23. Recommendation for the Protection of Movable Cultural Property. 28 November 1978
- 24. Recommendation concerning the Status of the Artist. 27 October 1980
- Recommendation for the Safeguarding and Preservation of Moving Images. 27 October 1980
- Recommendation concerning the International Standardization of Statistics on the Public Financing of Cultural Activities. 27 October 1980

- Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals. 1 November 1985
- 28. Recommendation on the Safeguarding of Traditional Culture and Folklore. 15 November 1989
- Recommendation on the Recognition of Studies and Qualifications in Higher Education. 13 November 1993

Declarations adopted by the General Conference

- 1. Declaration of the Principles of International Cultural Co-operation, 4 November 1966
- Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange. 15 November 1972
- 3. International Charter of Physical Education and Sport. 21 November 1978
- 4. Declaration on Race and Racial Prejudice. 27 November 1978.
- Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War. 28 November 1978

World Health Organization

Bibliography of WHO Documentation on Standards, published by WHO and updated regularly, covers standards in the following areas:

Accidents and injury prevention AIDS and its control Alcoholism and drug abuse Cancer and its control Cardiovascular diseases and their control Chemical toxicology and carcinogenicity Chronic diseases and their control Communicable diseases and their control Community health and primary health care Diarrhoeal diseases Education for health Environment and public health Epidemiology and statistics Family planning and human reproduction Handicapped and rehabilitation Health management and planning Human resources for health Immunity and immunization Maternal and child health Medical technology and radiation medicine Mental health and mental disorders Nutrition and food safety Occupational health and medicine Parasitic diseases and their control Pharmaceuticals and biologicals Smoking and health Vector control and pesticides Veterinary public health and zoonoses Water supply and sanitation

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II. Major international conferences sponsored by the United Nations

1946.

June 19-July 22 (New York, New York). International Health Conference.

1947-1948

November 21-March 24 (Havana, Cuba). Conference on Trade and Employment.

1948

February 19-March 6 (Geneva, Switzerland). Maritime Conference.

March 23-April 21 (Geneva, Switzerland). Conference on Freedom of Information.

August 23-September 19 (Geneva, Switzerland). Conference on Road and Motor Transport.

1949

August 17-September 6 (Lake Success, New York). Scientific Conference on the Conservation and Utilization of Resources.

1950

March 15-April 6 (Lake Success, New York). Conference on Declaration of Death of Missing Persons.

1953

May 11-June 18 (New York, New York). Opium Conference.

1954

May 11-June 4 (New York, New York). Conference on Customs Formalities for the Temporary Importation of Road Motor Vehicles and for Tourism.

August 31-September 10 (Rome, Italy). World Population Conference

September 13-23 (New York, New York). Conference of Plenipotentiaries Relating to the Status of Stateless Persons.

1955

April 18-May 10 (Rome, Italy). International Technical Conference on the Conservation of the Living Resources of the Sea.

August 11-20 (Geneva, Switzerland). First International Conference on the Peaceful Uses of Atomic Energy.

1958

February 24-April 27 (Geneva, Switzerland). First UN Conference on the Law of the Sea.

September 1-12 (Geneva, Switzerland). Second International Conference on the Peaceful Uses of Atomic Energy.

1960

March 17-April 26 (Geneva, Switzerland). Second UN Conference on the Law of the Sea.

1961

January 24-March 25 (New York, New York). Plenipotentiary Conference for the Adoption of a Single Convention on Narcotic Drugs.

August 21-31 (Rome, Italy). Conference on New Sources of Energy.

1962

August 6-22 (Bonn, Federal Republic of Germany). Technical Conference on the International Map of the World on the Millionth Scale.

1963

February 4-20 (Geneva, Switzerland). Conference on the Application of Science and Technology for the Benefit of Less Developed Areas.

1964

March 23-June 16 (Geneva, Switzerland). UN Conference on Trade and Development (UNCTAD).

August 31-September 9 (Geneva, Switzerland). Third International Conference on the Peaceful Uses of Atomic Energy.

1965

August 30-September 10 (Belgrade, Yugoslavia). Second World Population Conference.

1967

September 4-22 (Geneva, Switzerland) Conference on the Standardization of Geographical Names.

1968

March 26-May 24; reconvened April 9-May 22, 1969 (Vienna, Austria). Conference on Law of Treaties.

April 22-May 13 (Teheran, Iran). International Conference on Human Rights.

August 14-27 (Vienna, Austria). First Conference on the Exploration the Peaceful Uses of Outer Space.

1971

January 11-February 21 (Vienna, Austria). Conference for the Adoption of a Protocol on Psychotropic Substances.

September 6-16 (Geneva, Switzerland). Fourth International Conference on the Peaceful Uses of Atomic Energy.

1972

June 5-16 (Stockholm, Sweden). Conference on the Human Environment.

1973

December 3-15 (New York, New York). Third UN Conference on the Law of the Sea: reconvened for ten additional sessions, the last in three parts in 1982, March 8-April 30 and September 22-24 (New York) and December 6-10 (Montego Bay, Jamaica).

- May 20-June 14 (New York, New York). Conference on Prescription (Limitation) in the International Sale of Goods.
- August 19-30 (Bucharest, Romania). World Population Conference.
- November 5-16 (Rome, Italy). World Food Conference.

1975

- February 4-March 14 (Vienna, Austria). Conference on the Representation of States in their Relations with International Organizations (of a Universal Character).
- May 5-30 (Geneva, Switzerland). Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
- June 19-July 1, 1975 (Mexico City, Mexico). World Conference of the International Women's Year.

1976

- January 5-8 (Dakar, Senegal). International Conference on Namibia and Human Rights.
- May 31-June 11 (Vancouver, British Columbia). Conference on Human Settlements. June 14-17 (Geneva, Switzerland). World Employment Conference.
- March 14-25 (Mar del Plata, Argentina). Water Conference.
- April 4-May 6; reconvened July 31-August 23, 1978 (Vienna, Austria). Conference on the Succession of States in Respect to Treaties.
- May 16-21 (Maputo, Mozambique). International Conference in Support of the Peoples of Zimbabwe and Namibia.
- June 20-July 1 (Geneva, Switzerland). Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof.
- August 22-26 (Lagos, Nigeria). World Conference for Action Against Apartheid (co-sponsored by the Organization of African Unity).
- August 29-September 9 (Nairobi, Kenya). Conference on Desertification.

1978

- February 12-March 11; reconvened March 19-April 8, 1979 (Vienna, Austria). Conference on the Establishment of the United Nations Industrial Development Organization (UNIDO) as a Specialized Agency.
- March 6-31 (Hamburg, Federal Republic of Germany). Conference on an International Convention on the Carriage of Goods by Sea.
- August 14-25 (Geneva, Switzerland). First World Conference to Combat Racism and Racial Discrimination.
- August 30-September 12 (Buenos Aires, Argentina). Conference on Technical Cooperation among Developing Countries.
- October 16-November 11; reconvened six times, most recently May 13-June 5, 1985 (Geneva, Switzerland). Conference on an International Code of Conduct on the Transfer of Technology.

1979

- July 12-20 (Rome, Italy). World Conference on Agrarian Reform and Rural Development.
- August 20-31 (Vienna, Austria). Conference on Science and Technology for Development.
- September 10-28; reconvened September 15-October 10, 1980 (Geneva, Switzerland). Conference on Prohibitions and Restrictions of Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
- November 12-30; reconvened May 24, 1980 (Geneva, Switzerland). Conference on International Multimodal Transportation.
- November 19-December 8; reconvened April 8-22, 1980 (Geneva, Switzerland). Conference on Restrictive Business Practices.

1980

- March 3-21 (Geneva, Switzerland). First Review Conference of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.
- March 10-April 11 (Vienna, Austria). Conference on Contracts for International Sale of Goods.
- July 14-30 (Copenhagen, Denmark). World Conference of the UN Decade for Women: Equality, Development and Peace.
- August 11-September 7 (Geneva, Switzerland). Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

1981

- April 9-10 (Geneva, Switzerland). First International Conference on Assistance to African Refugees.
- May 20-27 (Paris, France). International Conference on Sanctions against Racist South Africa.
- June 13-17 (New York, New York). International Conference on Kampuchea.
- August 10-21 (Nairobi, Kenya). Conference on New and Renewable Sources of Energy.
- September 1-14 (Paris, France). Conference on the Least Developed Countries.

1982

July 26-August 6 (Vienna, Austria). World Assembly on Aging.August 9-21 (Vienna, Austria). Second Conference on the Exploration and Peaceful Uses of Outer Space.

1983

- March 1-April 8 (Vienna, Austria). Conference on the Succession of States in Respect of State Property, Archives, and Debts.
- April 25-29 (Paris, France). International Conference in Support of Namibian People for Independence.
- June 27-29 (London, United Kingdom). International Conference for Sanctions against Apartheid in Sports.
- August 1-12 (Geneva, Switzerland). Second World Conference to Combat Racism and Racial Discrimination.

August 29-September 7 (Geneva, Switzerland). International Conference on the Question of Palestine.

1984

- July 9-11 (Geneva, Switzerland). Second International Conference on Assistance to African Refugees.
- July 16-August 3 (Geneva, Switzerland); reconvened January 28-February 15, and July 8-9, 1985 (Geneva) and January 20-February 8, 1986 (New York). Conference on Conditions for the Registration of Ships.
- August 6-14 (Mexico City, Mexico). International Conference on Population.
- September 10-21 (Geneva, Switzerland). Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

1985

- March 11-12 (Geneva, Switzerland). International Conference on the Emergency Situation in Africa.
- May 7-9 (Arusha, Tanzania). International Conference on Women and Children Under Apartheid.
- May 15-18 (Paris, France). Second International Conference on the Sports Boycott Against South Africa.
- July 15-27 (Nairobi, Kenya). World Conference to Review and Appraise the Achievement of the UN Decade for Women.
- August 27-September 21 (Geneva, Switzerland). Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
- September 11-13 (New York, New York). Conference on the Intensification of International Action for the Independence of Namibia.
- November 4-15 (Geneva, Switzerland). Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.
- November 13-18 (New York, New York). World Conference on the International Youth Year, 1985.

1986

- February 18-March 21 (Vienna, Austria). Conference on the Law of Treaties between States and International Organizations or between International Organizations.
- June 16-20 (Paris, France). World Conference on Sanctions against Racist South Africa.
- July 7-11 (Vienna, Austria). International Conference for the Immediate Independence of Namibia.
- September 8-16 (Geneva, Switzerland). Second Review Conference of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

1987

February 10-13 (Nairobi, Kenya). Safe Motherhood Conference (co-sponsored by the World Bank, World Health Organization, and UN Fund for Population Activities).

- March 23-April 10 (Geneva, Switzerland). Conference for Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy.
- June 17-26 (Vienna, Austria). International Conference on Drug Abuse and Illicit Trafficking.
- August 24-September 11 (New York, New York). International Conference on the Relationship between Disarmament and Development.

1988

- August 22-24 (Oslo, Norway). International Conference on the Plight of Refugees, Returnees, and Displaced Persons in Southern Africa.
- November 25-December 20 (Geneva, Switzerland). Plenipotentiary Conference to Adopt the New Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

1989

- January 7-11 (Paris, France). Conference of States Parties to the 1925 Geneva Protocol and Other Interested States on the Prohibition of Chemical Weapons.
- May 29-31 (Guatemala City, Guatemala). International Conference on Central American Refugees.
- June 13-14 (Geneva, Switzerland). International Conference on Indochinese Refugees.

1990

- March 5-9 (Jomtien, Thailand). World Conference on Education for All: Meeting Basic Learning Needs.
- April 9-11 (London, United Kingdom). World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat (organized in association with the United Kingdom).
- August 20-September 15 (Geneva, Switzerland). Fourth Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
- September 3-14 (Paris, France). Second Conference on the Least Developed Countries.
- September 29-30 (New York, New York). World Summit for Children.
- October 29-November 7 (Geneva, Switzerland). World Climate Conference.
- November 26-December 7 (Geneva, Switzerland). Second Conference to Review All Aspects of the set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

1991

- January 7-18 (New York, New York). Amendment Conference of the States Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and Under Water.
- September 9-17 (Geneva, Switzerland). Third Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

1992

June 3-14 (Rio de Janeiro, Brazil). United Nations Conference on Environment and Development.

1993

14-25 June (Vienna, Austria) World Conference on Human Rights

1994

September 5-13 (Cairo, Egypt). International Conference on Population and Development.

April 25-May 6 (Bridgetown, Barbados). United Nations Global Conference on the Sustainable Development of Small Island Developing States.

May 23-27 (Yokohama, Japan). World Conference on Natural Disaster Reduction.

1995

March 6-12 (Copenhagen, Denmark). World Summit for Social Development.

September 4-15 (Beijing, China). Fourth World Conference on Women: Action for Equality, Development and Peace.

April 29-May 9 (Cairo, Egypt). Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

1996

June 3-14 (Istanbul, Turkey). Second United Nations Conference on Human Settlements (Habitat II).

April 27-May 11 (Midrand, South Africa). Ninth United Nations Conference on Trade and Development (UNCTAD IX).

November 13-17 (Rome, Italy). World Food Summit.

III. United Nations special observances

of October

16 October

17 October

24 October

24-30 October

20 November

Week of 11 November

Second Wednesday of October

World Habitat Day

World Food Day

United Nations Day

Disarmament Week

Africa Industrialization Day

International Decades and Years

1985-1996	Transport and Communications Decade for Asia and the Pacific
1988-1997	World Decade for Cultural Development
1990s	Third Disarmament Decade
1990s	International Decade for Natural Disaster Reduction
1990-2000	International Decade for the Eradication of Colonialism
1990-1999	United Nations Decade of International Law
1991-2000	Fourth United Nations Development Decade
1991-2000	Second Transport and Communications Decade in Africa
1991-2000	United Nations Decade against Drug Abuse
1993-2002	Second Industrial Development Decade for Africa
1993-2002	Asian and Pacific Decade of Disabled Persons
1993-2003	Third Decade to Combat Racism and Racial Discrimination
1994-2004	International Decade of the World's Indigenous People
1995-2005	United Nations Decade for Human Rights Education
1994	International Year of the Family
1994	International Year of Sport and the Olympic Ideal
1995	United Nations Year for Tolerance
1995	World Year of Peoples' Commemoration of the Victims of the Second World War
1996	International Year for the Eradication of Poverty
1998	International Year of the Ocean
1999	International Year of Older Persons

Annual Days and Weeks	
21 March	International Day for the Elimination of Racial Discrimination
Beginning 21 March	Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination
22 March	World Day for Water
3 May	World Press Freedom Day
15 May	International Day of Families
5 June	World Environment Day
17 June	World Day to Combat Desertification and Drought
26 June	International Day against Drug Abuse and Illicit Trafficking
First Saturday of July	International Day of Cooperatives
11 July	World Population Day
9 August	International Day of the World's Indigenous People
16 September	International Day for the Preservation of the Ozone Layer
Third Tuesday	
of September	International Day of Peace
1 October	International Day for the Elderly
First Monday	

International Day for Natural Disaster Reduction

International Day for the Eradication of Poverty

International Week of Science and Peace

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29 November International Day of Solidarity with the Palestinian People

3 December International Day of Disabled Persons

10 December Human Rights Day

29 December International Day for Biological Diversity

Other International Days

Other international days observed throughout the United Nations system include:

8 March International Women's Day
23 March World Meteorological Day

7 April World Health Day

17 May World Telecommunication Day 31 May World No-Tobacco Day

8 September International Literacy Day
Last week in September World Maritime Day
9 October World Post Day

24 October World Development Information Day

20 November, varies Universal Children's Day

1 December World AIDS Day

5 December International Volunteer Day for Economic and Social Development

7 December International Civil Aviation Day

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OF THE UNITED NATIONS (FAO)

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Tel. 39 6 52251

Fax 39-6-5225-3152

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E-mail: fao-loge@field.fao.org (Geneva)

ON-LINE: http://www.fao.org

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A-1400 Vienna, Austria

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Fax 43 1 20607

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ON-LINE: http://www.iaea.or.at

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ON-LINE: http://www.cam.org/~icao

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00142 Rome, Italy
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E-mail: t.mustafa@ifad.org

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International Development Association (IDA) International Finance Corporation (IFC)

Headquarters, General Information and Publications:

World Bank

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Washington, DC 20433

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WORLD TRADE ORGANIZATION (WTO)

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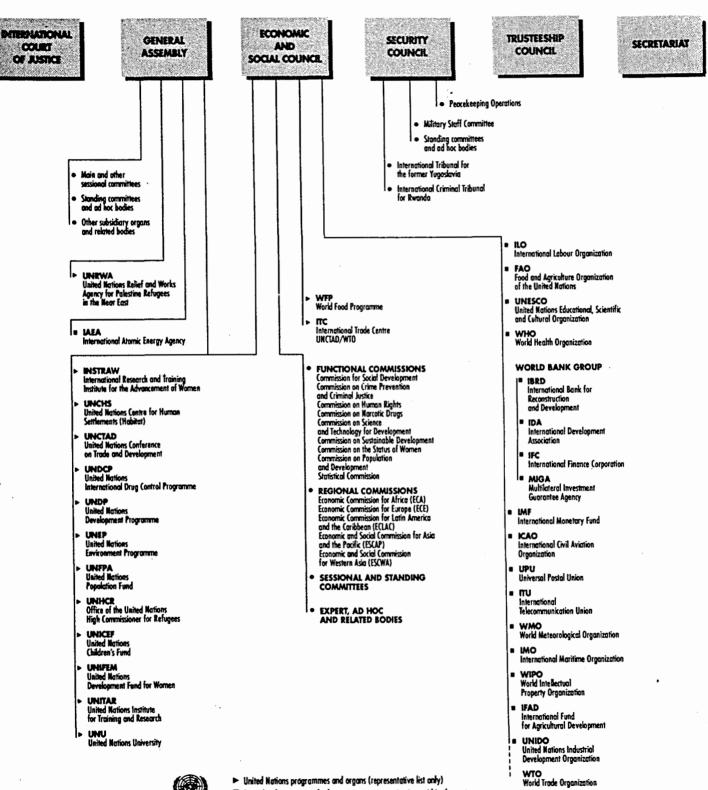
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PRINCIPAL ORGANS OF THE UNITED NATIONS

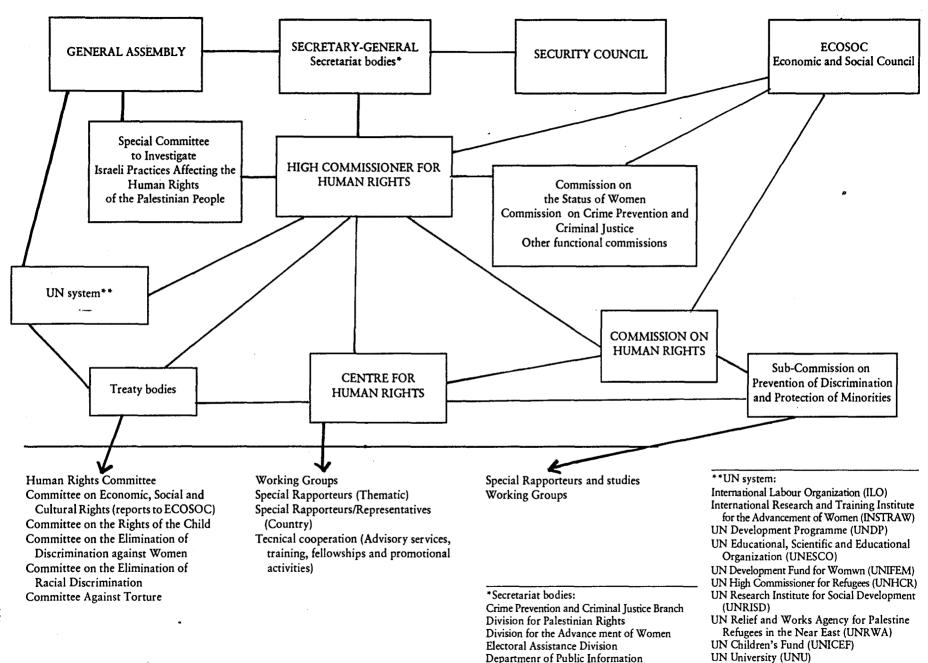




- Specialized agencies and other autonomous organizations within the system
- Other commissions, committees and ad hoc and related bodies

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VI. The United Nations human rights system



WE THE PEOPLES

OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS...

