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UNITED NATIONS JURIDICAL YEARBOOK, 1962

Provisional edition

Fascicle 1

* For technical reasons, the present volume has been divided into two fascicles. The first fascicle consists of the Table of Contents, an Explanatory Note and Chapters I through III; the second fascicle contains Chapter IV through X.

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EXPLANATORY NOTE

By its resolution 1451 (XIV) of 7 December 1959, the General Assembly decided that a United Nations Juridical Yearbook which would include documentary materials of a legal character relating to the United Nations should be published. At its seventeenth session, the General Assembly re-examined the question and, by its resolution 1814 (XVII) of 18 December 1962, decided that the United Nations Juridical Yearbook should contain the documentary materials concerning the United Nations and the inter-governmental organizations in relationship with it, which were listed in the annex to that resolution. By the same resolution, the General Assembly requested the Secretary-General to undertake the publication of the Yearbook in the three working languages of the General Assembly, and to publish early in 1964 the first volume, which should include materials relating to the year 1963.

The annex to resolution 1814 (XVII) is as follows:

OUTLINE OF THE UNITED NATIONS JURIDICAL YEARBOOK

Part I. Legal activities of the United Nations and the specialized agencies:

(a) Documents concerning the status of the United Nations and the specialized agencies;

(b) Comprehensive index to, and where necessary the text of, decisions, recommendations, discussions or reports of a legal character by the United Nations and the specialized agencies (judgements and advisory opinions of the International Court of Justice and reports of the International Law Commission will only be indexed);

(c) Text of treaties concerning international law concluded in the United Nations, the specialized agencies and international conferences convened under the auspices of the United Nations and the specialized agencies;

(d) Index with brief description of decisions of administrative tribunals of the United Nations and the specialized agencies;

(e) Text of selected legal opinions of the Secretariat of the United Nations and the specialized agencies.

Part II. Index with brief description of decisions of international and national tribunals on questions relating to the United Nations and the specialized agencies.

Part III. Bibliography of works and articles of a legal character relating to the United Nations and the specialized agencies.

In a note verbale sent to the Governments of Member States on 8 March 1963, requesting their assistance in connexion with the publication of the first United Nations Juridical Yearbook, the Secretary-General pointed out that it had proved impossible to publish at the beginning of 1964 a Yearbook comprising documents dating from 1963, since the task of selecting, editing, collating and, where necessary, translating the large number of documents from various sources could not begin until all the relevant documents had been assembled, i.e., at the beginning of 1964 at the earliest. The Secretary-General considered, however, that it would be advisable not to wait for all the 1963 documents to be available, but to publish experimentally and in a provisional form the documentation relating to 1962. Such is the object of the present volume.

An attempt has been made, in the preparation of this volume, to follow as closely as possible the outline described in the annex to resolution 1814 (XVII). Two sections have been transposed, however, in order to avoid the concentration of almost nine tenths of all the assembled documents in Part I of the Yearbook. Firstly, section (a) of Part I has been placed at the beginning of the Yearbook as a separate Part, and the numbering of the following Parts has been changed accordingly. Secondly, all the bibliographical material in section (b) of the former Part I - that is to say, the index, as opposed to the documents reproduced in full or in part - has been placed in Part III (now Part IV) with the bibliography. Furthermore, the titles of certain sections have been reworded for editorial reasons, although the scope of each section remains, of course, that laid down by the General Assembly in resolution 1814 (XVII). Finally, the term "specialized agencies" has been replaced by the term "related inter-governmental organizations", as the Sixth Committee, on whose recommendation the resolution was adopted, specified in its report to the General Assembly that "the term 'inter-governmental organizations'... should be taken to include the specialized agencies and the International Atomic Energy Agency".[1/] Thus revised, the outline of the Yearbook is as follows:

1/ Document A/5342, para. 15.

PART ONE: LEGAL STATUS OF THE UNITED NATIONS: AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

Chapter I. Legislative texts concerning the legal status of the United Nations and related inter-governmental organizations

II. Treaty provisions concerning the legal status of the United Nations and related inter-governmental organizations

PART TWO: LEGAL ACTIVITIES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

Chapter III. Selected decisions, recommendations and reports of a legal character by the United Nations and related inter-governmental organizations

IV. Treaties concerning international law concluded under the auspices of the United Nations and related inter-governmental organizations

V. Decisions of administrative tribunals of the United Nations and related inter-governmental organizations

VI. Selected legal opinions of the Secretariat of the United Nations and related inter-governmental organizations

PART THREE: JUDICIAL DECISIONS ON QUESTIONS RELATING TO THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

Chapter VII. Decisions of international tribunals

VIII. Decisions of national tribunals

PART FOUR: LEGAL DOCUMENTS INDEX AND BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

Chapter IX. Legal documents index of the United Nations and related inter-governmental organizations

X. Legal bibliography of the United Nations and related inter-governmental organizations

The documents relating to the legal status of the United Nations and related inter-governmental organizations (Part One) have been divided among two chapters (chapter I: Legislative texts; chapter II: Treaty provisions) corresponding to the two parts of each of the two volumes of the United Nations Legislative Series devoted - for periods concluding at the end of 1959 and the end of November 1960 respectively - to the legal status, privileges and immunities of international organizations;[1/] thus, Part One of the Yearbook will constitute a kind of annual supplement to these volumes of the Legislative Series. The third major category of documents which may have a bearing on the legal status of the organizations concerned - namely, decisions of national and international tribunals - will be found in Part Three of the Yearbook. In the case of both legislative texts and treaty provisions, the documents included are those which entered into force in 1962.

Chapter III contains the decisions, recommendations and reports of a legal character which, in the view of the organization concerned, needed to be reproduced in whole or in part. The other documents are simply enumerated in bibliographical form in the index in chapter IX. As far as the United Nations is concerned, space did not allow the reproduction of more than a small number of documents; included were General Assembly resolutions 1810 (XVII) (excerpts) and 1803 (XVII) as well as the various resolutions adopted by the General Assembly on the reports of the Sixth Committee at its seventeenth session, with the exception of resolution 1814 (XVII) on the publication of a United Nations Juridical Yearbook, the contents of which were summarized at the beginning of this note. The reports on the basis of which these resolutions were adopted have also been reproduced, but only when they contained a summary of substantive discussion likely to clarify the text of the resolutions.

The criterion employed for selection of the treaties reproduced in chapter IV was the date of conclusion, and not the date of entry into force. This was done in order to reduce in some measure the difficulty created by

---

1/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations (ST/LEG/SER.B/10 and 11), 2 vol.

the sometimes considerable time-lag between the conclusion of treaties and their publication in the United Nations Treaty Series.

The descriptions of decisions by administrative tribunals appearing in chapter V were prepared in such a way as to bring out, in each case, any points of substantive law which are of importance. Procedural questions have been mentioned in exceptional cases only.

The index in chapter IX is designed to provide - together with the texts reproduced in chapter III - as complete a picture as possible of the legal documentation of the United Nations and related inter-governmental organizations. A part of the index has been set aside for each of the organizations, which were requested to introduce their own documentation there in the manner best suited to the material.

Finally, the bibliography in chapter X mentions the works and articles of a legal character published in 1962, regardless of the period to which they refer.

The documents published in the United Nations Juridical Yearbook were supplied by the organizations concerned, with the exception of the legislative texts and judicial decisions in chapters I and VIII which, unless otherwise indicated, were communicated by Governments at the request of the Secretary-General.

PART ONE

LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

CHAPTER I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. AUSTRALIA

(a) Statutory Rules No. 105 of 1962

Regulations under the International Organizations (Privileges and Immunities) Act 1948-1960 1/

Whereas it is provided by section five of the International Organizations (Privileges and Immunities) Act 1948-1960[2/] that the Governor-General may make regulations, not inconsistent with that Act, prescribing all matters which by that Act are required or permitted to be prescribed or are necessary or convenient to be prescribed for giving effect to that Act and, in particular, amongst other things, for giving effect, in relation to any international organization, to the provisions of any convention on the privileges and immunities of that international organization to which Australia has acceded:

And whereas Australia has acceded to the Convention on the Privileges and Immunities of the Specialized Agencies,[3/] being the Convention approved by a resolution of the General Assembly of the United Nations adopted on the twenty-first day of November 1947, as modified in accordance with the terms of the Convention and has, subject to certain specified considerations, undertaken to apply to the Specialized Agencies specified in the following Regulations the provisions of the Convention:

And whereas it is desirable to give effect to that undertaking:

1/ Notified in the Commonwealth Gazette on 26 November 1962.

2/ See United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 3.

3/ United Nations, Treaty Series, vol. 33, p. 261.

Now therefore I, the Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the International Organizations (Privileges and Immunities) Act 1948-1960.

Dated this twenty-third day of November, 1962.

DALLAS BROOKS
Administrator.

By His Excellency's Command,

G.E. BARWICK
Minister of State for External Affairs

International Organizations (Privileges and Immunities of Specialized Agencies) Regulations

Citation

1. These Regulations may be cited as the International Organizations (Privileges and Immunities of Specialized Agencies) Regulations.

Definitions

2. In these Regulations, unless contrary intention appears -

"Australia" includes the Territories of the Commonwealth;

"Specialized Agency" means -

(a) the International Labour Organisation;

(b) the Food and Agriculture Organization of the United Nations;

(c) the International Civil Aviation Organization;

(d) the United Nations Educational, Scientific and Cultural Organization;

(e) the International Monetary Fund;

(f) the International Bank for Reconstruction and Development;

(g) the World Health Organization;

(h) the Universal Postal Union;

(i) the International Telecommunication Union;

(j) the World Meteorological Organization;

(k) the Inter-Governmental Maritime Consultative Organization;

(l) the International Finance Corporation; and

(m) the International Development Association;

"the Convention" means the Convention, as modified by the Annexes, set forth in the Schedule to these Regulations.

Juridical personality of Specialized Agencies

3. (1) Each specialized agency -

(a) is a body corporate with perpetual succession;

(b) has the capacity to contract; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of instituting legal proceedings.

(2) All courts, judges and persons acting judicially in Australia shall take judicial notice of the seal of a Specialized Agency affixed to a document and shall presume that it was duly affixed.

Privileges and immunities

4. (1) Each Specialized Agency and each person in relation to whom the Convention applies has, in Australia, the privileges and immunities applicable under the Convention (other than those referred to in section 11 of the Convention) to that specialized agency or that person, as the case may be.

(2) A Specialized Agency has the right to avail itself, for telegraphic communications sent by it and containing only matters for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Australia), of the reduced rates applicable for the despatch of press telegrams.

(3) Where any Act, other than the International Organizations (Privileges and Immunities) Act 1948-1960 or regulations under any Act including regulations under that last-mentioned Act makes provision in relation to privileges and immunities of a Specialized Agency or a person in relation to whom the Convention applies, sub-regulation (1) of this regulation does not confer any privileges or immunities in relation to matters arising under that first-mentioned Act or under those regulations, as the case may be.

Evidence

5. A certificate under the hand of the Minister certifying that, on a specified date or during a specified period -

(a) a specified State, country or Government was a Member of a Specialized Agency;

(b) a specified meeting was a meeting convened by a Specialized Agency or a meeting within the meaning of sub-section (vi) of section 1 of the Convention; or

(c) a specified person was -

(i) a representative of a Member of a Specialized Agency at a meeting referred to in the last preceding paragraph;

(ii) included in a category of officials of a Specialized Agency to which the provisions of Articles VI and VIII of the Convention applied; or

(iii) on the grounds stated in the certificate, a person entitled under the Convention to privileges and immunities applicable under the Convention,

is evidence of the matter so certified.

The Schedule

Regulations 2 and 4

Convention on the Privileges and Immunities of the Specialized Agencies

[Not reproduced]

(b) Customs Tariff Amendment No. 53 and Excise Tariff Amendment No. 1 1/

(Customs Tariff Amendment (No. 53))

1. That the Schedule to the Customs Tariff 1933-1962, as proposed to be amended by Customs Tariff Proposals, be further amended as set out in the Schedule to these Proposals and that, on and after the eighth day of November, One thousand nine hundred and sixty-two, Duties of Customs be collected accordingly.

2. That in these Proposals, "Customs Tariff Proposals" mean the Customs Tariff Proposals introduced into the House of Representatives on the following dates:

2nd October 1962;
4th October 1962;
11th October 1962; and
25th October 1962.

1/ Given Royal assent on 3 December 1962 with retroactive effect from 8 November 1962.

The Schedule

Import Duties

Tariff items	British preferential tariff	Inter-mediate tariff	General tariff
Division XVI - Miscellaneous			
373. By inserting after sub-item (e) a new sub-item as follows: "(f) Goods for the official use of an International Organization or for the official or personal use of an official thereof, as prescribed by Departmental By-laws	Free	Free	Free."

(Excise Tariff Amendment No. 1)

That the Schedule to the Excise Tariff 1921-1961 be amended as set out in the Schedule to these Proposals and that on and after the eighth day of November, One thousand nine hundred and sixty-two, Duties of Excise be collected in pursuance of the Excise Tariff 1921-1961 as so amended.

The Schedule

Articles	Rate of Duty
10. By inserting after sub-item (g) a new sub-item as follows: "(h) Articles which are owned (prior to clearance for home consumption) by an International Organization or an official of an International Organization and are for the official use of the Organization or for the personal or official use of that official, as the case may be, as prescribed by Departmental By-laws	Free."

(c) Statutory Rules No. 44 of 1960

Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1960 1/

I, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1960.

Dated this sixteenth day of June, 1960.

DUNROSSIL
Governor-General.

By His Excellency's Command,

HAROLD HOLT
Treasurer

Amendments of the Income Tax and Social Services Contribution Regulations

...

Organizations prescribed for purposes of s.23(x) and (y)

2. Regulation 4AB of the Income Tax and Social Services Contribution Regulations 2/ is amended -

(a) by omitting from paragraph (m) of sub-regulation (1) the word "and"; and

(b) by adding at the end of sub-regulation (1) the following word and paragraph:

"; and (o) International Atomic Energy Agency.".

...

Application

14. (1) The amendment made by regulation 2 of these Regulations applies for the purposes of assessments in respect of income of the year of income that commenced on the first day of July 1959, and in respect of income of subsequent years.

...

1/ Notified in the Commonwealth Gazette on 17 June 1960.

2/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I, (ST/LEG/SER.B/10), p. 6.

(d) Statutory Rules No. 112 of 1962

Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1962 1/

I, the Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Income Tax and Social Services Contribution Assessment Act 1936-1962.

Dated this seventh day of December, 1962.

DALLAS BROOKS
Administrator.

By His Excellency's Command,

HAROLD HOLT
Treasurer

Amendments of the Income Tax and Social Services Regulations

Organizations prescribed for purposes of section 23 (x), (y)

1. Regulation 4AB of the Income Tax and Social Services Contribution Regulations 2/ is amended -

(a) by omitting from paragraph (n) of sub-regulation (1) the word "and";

(b) by adding at the end of sub-regulation (1) the following paragraphs:

"(p) Inter-Governmental Maritime Consultative Organization; and

"(q) International Development Association."; and

(c) by omitting sub-regulation (2) and inserting in its stead the following sub-regulation:

1/ Notified in the Commonwealth Gazette on 13 December 1962.

2/ See (c) above.

"(2) For the purposes of paragraph (y) of section 23 of the Act, the organizations specified in the last preceding sub-regulation and the International Finance Corporation are prescribed, and the official salary and emoluments of an official of such an organization or the International Finance Corporation are, in accordance with that paragraph, exempt from income tax and social services contribution -

(a) in the case of an official of the United Nations or of an official in respect of whom Australia is bound to accord the privileges and immunities accorded to diplomatic envoys in accordance with international law, to the extent that Australia is bound by an international convention or agreement to exempt from taxation his official salary and emoluments;

(b) in the case of an official (other than one referred to in the last preceding paragraph) who is a non-resident of Australia, to the extent that the official salary and emoluments are for services rendered in Australia; and

(c) in the case of an official (other than one referred to in paragraph (a) of this sub-regulation) who is a resident of Australia, to the extent that his official salary and emoluments are for services rendered out of Australia, and, if the official is not an Australian citizen and came to Australia solely for the purpose of performing his official duties, to the extent also that his official salary and emoluments are for services rendered in Australia.".

Application of Amendments

2. The amendments made by the last preceding regulation apply in respect of income of the year of income that commenced on the first day of July 1962, and in respect of income of all subsequent years.

2. AUSTRIA

(a) Ordinance of 16 January 1962 of the Federal Government further supplementing and amending the Ordinance on the granting of privileges and immunities to international organizations 1/

In pursuance of article 1 of the Federal Act of 24 February 1954 2/ (BGBl. No. 74) on the granting of privileges and immunities to international organizations, as amended by the Federal Act of 13 February 1957 (BGBl. No. 56), it is hereby provided that:

The Ordinance of 18 January 1955 3/ (BGBl. No. 40) on the granting of privileges and immunities to international organizations, as amended by the Ordinance of 8 March 1960 (BGBl. No. 79), shall be supplemented and amended as follows:

1. In article 1 (1) the word "and" before the words "the International Finance Corporation" shall be replaced by a comma, and the words "and the International Organization for Standardization" shall be inserted after those words.

2. Annex II of the Appendix to the Ordinance of 28 March 1950 (BGBl. No. 248) (Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations) shall be amended in accordance with the following annex.

1/ Bundesgesetzblatt, 23 February 1962. Translation by the Secretariat of the United Nations.

2/ English translation in United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 9.

3/ Ibid., vol. II (ST/LEG/SER.B/11), p. 6.

Annex II - The Food and Agriculture Organization of the United Nations

[Not reproduced 1/]

(b) Ordinance of 2 October 1962 of the Federal Government further supplementing the Ordinance on the granting of privileges and immunities to international organizations 2/

In pursuance of article 1 of the Federal Act of 24 February 1954 3/ (BGBl. No. 74) on the granting of privileges and immunities to international organizations, as amended by the Federal Act of 13 February 1957 (BGBl. No. 56), it is hereby provided that:

The Ordinance of 18 January 1955 (BGBl. No. 40) on the granting of privileges and immunities to international organizations, as amended by the Ordinance of 16 January 1962 4/ (BGBl. No. 50), shall be supplemented as follows:

1. In article 1 (1) there shall be inserted, after the words "International Finance Corporation", a comma followed by the words "the International Development Association".

2. The following annex XIV shall be added to the Appendix (Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations):

Annex XIV - International Development Association

[Not reproduced 5/]

1/ See ibid., p. 113.

2/ Bundesgesetzblatt, 21 November 1962. Translation by the Secretariat of the United Nations.

3/ See note 2 above.

4/ See (a) above.

5/ See United Nations, Treaty Series, vol. 423, p. 284.

3. CANADA

(a) Province of Quebec Order in Council No. 492 of 23 March 1962 concerning certain fiscal concessions to non-Canadian representatives to the International Civil Aviation Organization 1/

Executive Council Chamber

Present:

The Lieutenant Governor in Council

Whereas representations have been made with a view to the granting of fiscal concessions to representatives of foreign countries to the International Civil Aviation Organization;

Whereas it is expedient to accede to such representations.

Therefore it is ordered, on the recommendation of the Minister of Revenue:

I - That the International Civil Aviation Organization (ICAO), the President of the Council, the Secretary General and the five directors of the Organization, as well as the official representatives of each of the nations belonging to that body, provided that they are career officers not under the jurisdiction of Canada and of the Province and that they do not carry on any business or hold any office or employment in the Province other than their duties as representatives to the Organization of the nations to which they belong, be granted the fiscal concessions hereinafter enumerated, provided that the countries which such officers represent allow similar privileges to representatives of the Province to such countries:

1. Exemption from Income Tax in conformity with sections 12 and 78 of the Provincial Income Tax Act;
2. Exemption from the duties imposable under the Quebec Succession Duties Act on any transmission of property situated in the Province and acquired during or in the course of their residence in Quebec

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1/ Unofficial translation kindly furnished by the Permanent Mission of Canada to the United Nations.

while fulfilling the functions hereinabove mentioned. The Government of Quebec will make no opposition to the repatriation of the property so exempted if the death of such person occurs while he is fulfilling the functions mentioned in the first paragraph, or within two years after the death;

3. Exemption from the tax payable under the Gasoline Act, by way of reimbursement and according to the procedure to be established by the Department of Revenue;
4. Exemption from the tax payable under the Retail Sales Tax Act, by way of reimbursement and according to the procedure to be established by the Department of Revenue;
5. Exemption from payment of fees for the registration of a pleasure vehicle exigible under the Highway Code, in accordance with the procedure to be established by the Department of Transportation and Communications respecting the issue of registration markers and payment of the cost thereof.

II - That the foregoing articles 1 and 2 shall apply also to the international functionaries of ICAO provided that they are persons not under the jurisdiction of Canada and of the Province, and that such persons do not carry on any business or hold any office or employment in the Province other than their employment as functionaries of the Organization.

III - That the penultimate paragraph of Order in Council Number 2012 of the 28th of September 1961 be repealed.

The above-mentioned exemptions will be granted from the passing of this Order in Council, except as regards the exemption from payment of the tax under the Retail Sales Tax Act which shall have retroactive effect to the first of April 1961.

(b) An Act[1] to amend the Estate Tax Act

...

5. (1) Subsection (2) of section 35 of the said Act[2] is repealed and the following substituted therefor:

"(2) Notwithstanding subsection (1), there may be deducted in computing the aggregate value of the property taxable on the death of any person

...

(b) the value of any property acquired by that person during his lifetime for or incident to residence in Canada as an officer or servant of an organization as defined for the purposes of section 3 of the Privileges and Immunities (United Nations) Act,[3] whose duties required him to reside in Canada, if that person, at the time of his death, continued to be required by his duties as such officer or servant to reside in Canada."

(2) This section is applicable in the case of the death of any person whose death occurred after 1958.

1/ 11 Elizabeth II, chap. 5. Assented to on 29 November 1962.

2/ Estate Tax Act (1958), 7 Elizabeth II, chap. 29.

3/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 10.

4. FINLAND

Decree[1] No. 45 of 30 November 1962 on the bringing into force of Annex XIV of the Convention on the Privileges and Immunities of the Specialized Agencies

It is decreed on the proposal of the Minister for Foreign Affairs:

Article 1

The Executive Directors of the International Development Association (Treaty Series of Finland No. 2-3/1961) having on 13 February 1962 approved Annex XIV[2] to the Convention on the Privileges and Immunities of the Specialized Agencies[3] (Treaty Series of Finland No. 23-24/1958) and the President of the Republic having approved it on 12 October 1962, about which a communication from the Government of Finland was received by the Secretary-General of the United Nations on 16 November 1962, the Annex is in force, as agreed.

Article 2

The stipulations in articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies shall be applied to the Executive Directors, Alternate Directors, officers and staff of the International Development Association.

Helsinki, 30 November 1962

The President of the Republic
Urho KEKKONEN
The Minister for Foreign Affairs
V. MERIKOSKI

1/ Translation kindly furnished by the Permanent Representative of Finland to the United Nations.

2/ United Nations, Treaty Series, vol. 423, p. 284.

3/ Ibid., vol. 33, p. 261.

5. GERMANY (FEDERAL REPUBLIC OF)

(a) Order[1] concerning Travel Documents in lieu of Passport, and Exemption from Passport and Visa Requirements (Passport Order)

(as amended on 13 February 1962)

Article 1

1. The following documents shall be acceptable in lieu of a passport for passage of the frontier (article 1 of the Passport Act) and sojourn (article 2 of the Passport Act) by aliens in the territory in which this Order is applicable:

...

(9) The laissez-passer issued by the United Nations;

...

(b) Order[2] of 26 July 1962 concerning the granting of Privileges and Immunities to the United Nations and to Participants in the United Nations Technical Conference on the International Map of the World in Bonn in August 1962

In pursuance of article 3 of the Act[3] of 22 June 1954 concerning accession of the Federal Republic of Germany to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations dated 21 November 1947, and concerning the granting of privileges and immunities to other international organizations (Bundesgesetzblatt, part II, p. 639), as amended by the Act[4] of 3 June 1957 (Bundesgesetzblatt, part II, p. 469), the Federal Government, with the approval of the Federal Council (Bundesrat), hereby orders as follows:

1/ Bundesgesetzblatt, 1962, part I, No. 6, p. 73. Translation by the Secretariat of the United Nations.

2/ Bundesgesetzblatt, 1962, part II, No. 21, p. 876. Translation by the Secretariat of the United Nations. See also chapter II, section A 2 (e) below.

3/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. II (ST/LEG/SER.B/11), p. 25.

4/ Ibid., p. 26.

Article 1

1. The provisions of the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations[1/] shall be applicable during the United Nations Technical Conference on the International Map of the World on the millionth scale, including time spent in travel to and from the Conference, in respect of:

(a) The United Nations and its officials;

(b) Representatives, alternates, advisers, technical experts and secretaries of delegations of States Members or not Members of the United Nations invited to attend the Conference, including those participating as observers;

(c) Representatives of the specialized agencies of the United Nations and other official international organizations, including those participating as observers.

2. The provisions of paragraph (1) shall apply also to the immediate families of the aforesaid persons.

Article 2

1. The privileges and immunities enjoyed by diplomatic agencies and accredited diplomatic representatives in the Federal Republic of Germany shall during the Conference and the time spent in travel to and from the Conference be extended to the United Nations, the Secretary-General and the secretaries of the United Nations, the executive secretary of the Conference and to representatives and observers of States Members and not Members of the United Nations invited to participate in the Conference.

2. Paragraph 1 shall apply also to the immediate families of the aforesaid persons.

1/ United Nations, Treaty Series, vol. 33, p. 261.

Article 3

Observers of Specialized Agencies and other international organizations invited by the United Nations to attend the Conference, and their immediate families, shall enjoy the same privileges and immunities as United Nations officials in comparable positions.

Article 4

This Order shall be applicable in the Land Berlin, in accordance with article 14 of the Third Transfer Act of 4 January 1952 (Bundesgesetzblatt, part I, p. 1) in conjunction with article 4 of the Act of 22 June 1954 on accession of the Federal Republic of Germany to the Convention on the Priviliges and Immunities of the Specialized Agencies of the United Nations, 21 November 1947, and on the granting of Privileges and Immunities to other international organizations, as amended by the Act of 3 June 1957.

Article 5

This Order shall come into effect on 1 June 1962.

Bonn, 26 July 1962.

Ludwig Erhard, Vice-Chancellor of the Federal Republic
Dr. Schröder, Federal Minister of Foreign Affairs

6. GHANA

The Diplomatic Immunities Act, 1962

An Act[1/] to enable effect to be given to the Vienna Convention on Diplomatic Relations signed in Vienna on the eighteenth day of April, one thousand nine hundred and sixty-one, and for purposes connected therewith.

...

1/ No. 148.

Whereas a Convention entitled the Vienna Convention on Diplomatic Relations the fact of which is set out in the Schedule to this Act, and is in this Act referred to as "the Vienna Convention" was signed on behalf of the Government of Ghana in Vienna on the eighteenth day of April, one thousand nine hundred and sixty-one, for promoting friendly relations among nations by establishing in common agreement uniform principles and rules relating to diplomatic intercourse, privileges and immunities:

And Whereas it is decided to give effect to the Vienna Convention and to provide, so far as necessary, that its provisions shall have the force of law in Ghana:

And Whereas it is intended that the Vienna Convention shall replace the Diplomatic Privileges Ordinance conferring immunities and privileges on staffs, representatives and members of committees of, and persons on missions on behalf of, certain international organizations and in respect of the property, premises and documents of such organizations:

Now Therefore Be It Enacted by the President and the National Assembly in this present Parliament assembled as follows:

Articles to have force of law

1. Articles 22, 23, 24, and 27 to 40 of the Vienna Convention (which regulate the immunities and privileges, including exemption from taxation, freedom of communication, inviolability of premises and immunity from civil and criminal jurisdiction, to be conferred upon diplomatic agents) shall have the force of law and references therein to the receiving State shall, for this purpose, be construed as references to the Republic.

International Organizations

2. The President may, by legislative instrument, make Regulations extending any or all of the immunities and privileges conferred on diplomatic agents by virtue of this Act to prescribed organizations and prescribed representatives and officials, subject to such conditions and limitations as may be prescribed.

Repeals

3. (1) The Diplomatic Privileges Ordinance (Cap. 268)[1] and the Diplomatic Immunities (Commonwealth Countries) Ordinance, 1957 (No. 22) are repealed.

(2) Pending the making of regulations under section 2 of this Act, organizations and persons to whom the Diplomatic Privileges Ordinance applied shall continue to be entitled to the privileges and immunities conferred by that Ordinance, so far as they are not inconsistent with the provisions of the Vienna Convention to which section 2 of this Act applies.

Commencement

4. This Act shall come into operation on such day as the President may, by legislative instrument, appoint.

7. ISRAEL

Note of 29 July 1963 received from the Permanent Mission of Israel to the United Nations

...

The Customs Tariffs and Exemptions (Exchange of Supplement) (Temporary Provisions) Order, 5723-1962 (published in Kovetz Hatakanot, No. 1393 of 6 December 1962, p. 306 et seq.) exempts from customs "goods imported by any body of the United Nations Organization if such goods are imported for its purposes" (p.663).

...

1/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. 1 (ST/LEG/SER.B/10), p. 35.

8. JAMAICA

The Bretton Woods Agreements Act, 1962

An Act[1] to Provide for the acceptance by the Government of the Agreements for the International Monetary Fund[2] and the International Bank for Reconstruction and Development[3] and to provide for matters related thereto

(29th November, 1962)

Be It Enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:

...

Status immunities and privileges of the Fund and the Bank

5. The provisions of:

(a) sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article IX of the Fund Agreement;

(b) sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article VII of the Bank Agreement; and

(c) the first sentence of paragraph (b) of section 2 of Article VIII of the Fund Agreement,

shall have the force of law in the Island, subject to the proviso that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed:

(i) as entitling the Fund or the Bank to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;

(ii) as conferring on the Fund or the Bank any exemption from duties or taxes which form part of the price of goods sold;

or

(iii) as conferring on the Fund or the Bank any exemption from taxes or duties which are in fact no more than charges for services rendered.

1/ No. 1 of 1962.

2/ United Nations, Treaty Series, vol. 2, p. 40.

3/ Ibid., p. 134.

9. JAPAN

Note of 7 August 1963 received from the Chargé d'Affaires a. i. of Japan to the United Nations

...

(a) The Income Tax Law (Law No. 27 of 1947) was partly amended by Law No. 44 of 1962 (effective on 1 April 1962). A new sub-paragraph (17) was added to Article 6, which reads as follows:

Article 6

The following incomes shall be exempt from the income tax:

(1) - (16) /Omitted/

(17) Salaries, wages, annual payments, bonus, and other similar emoluments received by a person, by reason of his service, who is serving for a foreign government or a foreign local public entity, or an international organization as prescribed by Order, and who meets the requirements as prescribed by Order.

/Proviso omitted/

(b) The Income Tax Regulation (Imperial Ordinance No. 110 of 1947) was partly amended by Cabinet Order No. 94 of 1962 (effective on 1 April 1962). New articles 4 (9) and 4 (10) were added which read as follows:

Article 4 (9)

The international organization provided for in article 6, sub-paragraph (17), of the Income Tax Law to be prescribed by Order shall be an organization established under an international agreement (hereinafter referred to as "an international organization" in article 4 (10)) to which Japan is a member State or which is composed of States, and which is designated by the Minister of Finance.

The Minister of Finance shall, upon designation mentioned in the preceding paragraph, notify the designation.

/...

Article 4 (10)

The requirements for a person who is serving for a foreign government or a foreign local public entity or an international organization provided for in article 6, sub-paragraph (17), of the Income Tax Law to be prescribed by Order shall be as follows (Sub-paragraph (2) shall not apply to a person who is serving for such international organization):

(1) The person is neither a Japanese national nor a permanent resident of Japan.

(2) /Omitted/

(c) Notification of the Ministry of Finance No. 92 of 1962 (International organizations whose personnel are exempted from the income tax on their emoluments under the provisions of article 4 (9) of the Income Tax Regulation).

In pursuance of the provisions of article 4 (9) of the Income Tax Regulation (Imperial Ordinance No. 110 of 1947), the Minister of Finance hereby designates as follows the international organizations whose personnel are exempted from the income tax on their emoluments, and this designation shall be made effective on 1 April 1962 and shall apply to the income tax for the same year and thereafter:

(1) The United Nations;
(2) The International Atomic Energy Agency;
(3) The International Labour Organisation;
(4) The Food and Agriculture Organization of the United Nations;
(5) The World Health Organization;
(6) The International Bank for Reconstruction and Development;
(7) The International Development Association;
(8) The International Finance Corporation;
(9) The International Monetary Fund;
(10) The United Nations Educational, Scientific and Cultural Organization;
(11) The International Civil Aviation Organization;
(12) The Universal Postal Union;
(13) The International Telecommunication Union;
(14) The World Meteorological Organization;
(15) The Inter-Governmental Maritime Consultative Organization;
(16) The Asian Productivity Organization.

10. KUWAIT

Note of 18 March 1963 received from the Ministry of Foreign Affairs of the State of Kuwait

The Ministry of Foreign Affairs of the State of Kuwait ... has the honour to state that there exist in Kuwait, at present, no regulations or laws relating to the legal status or privileges and immunities of the United Nations, its specialized agencies or the International Atomic Energy Agency.

As regards the legal status or privileges and immunities of the United Nations and its specialized agencies in Kuwait, the State of Kuwait is guided by, and applies, the general principles of international law.

...

11. NETHERLANDS

Letter[1/] dated 29 June 1962 from the State Secretary of Finance to the Commissioners of Taxes concerning the levying of taxes from officials and experts of the United Nations and its Specialized Agencies

Sirs,

The following information supersedes that contained in my notifications No. 135 of 18 June 1952 and No. 3 of 15 December 1954.

1. United Nations officials

By virtue of article V, section 18 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946,[2/] United Nations officials are exempt from taxation on the salaries and emoluments paid to them by the United Nations.

1/ Translation kindly furnished by the Permanent Representative of the Netherlands to the United Nations.

2/ United Nations, Treaty Series, vol. 1, p. 15.

Resolution 76 (I) of the General Assembly of the United Nations extended the scope of the above-mentioned regulation to cover all staff members, meaning all members of the staff of the United Nations excepting those recruited locally and paid by the hour.

2. Officials of the specialized agencies of the United Nations

In pursuance of article VI, section 19, of the Convention on the Privileges and Immunities of the Specialized Agencies,[1/] as endorsed on the one hand by the General Assembly on 21 November 1947 and on the other by the specialized agencies on various other occasions, the policy mentioned under 1 is also adhered to with regard to the staff of the specialized agencies of the United Nations.

3. Experts of the United Nations and of the specialized agencies of the United Nations

Neither of the Conventions mentioned in 1 and 2 provides for exemption from taxation on the salaries and emoluments of experts.

Nevertheless, in the "Circular Note to Governments 46.1951 Treaties" of 9 May 1951, it was stipulated that technical assistance experts be put on the same footing as staff members, thus implying that they also fall within the scope of the above-mentioned regulations. But technical assistance experts engaged for a period of not more than 90 days at a salary of not more than $250 per month are not regarded as staff members in this connexion.

4. Other persons performing missions for the United Nations

Besides the above-mentioned general categories, the United Nations sometimes entrust certain persons with a specific mission, for instance when

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1/ United Nations, Treaty Series, vol. 33, p. 261.

a professor is engaged to undertake a specific study without interrupting his normal work. In such cases a special service agreement is concluded between the United Nations and the person concerned. ... Such persons are not regarded as staff members and consequently they cannot claim exemption from taxation on the remuneration received.

5. Application of the exemption from income tax on salaries and emoluments

In the event of an official or an expert in the meaning of the above being exempt from income tax on his salary and emoluments, that salary and those emoluments shall be disregarded when calculating the amount of income tax payable.

For the State Secretary for Finance,
(Signed) C.P. Tuk
Director-General of Fiscal Affairs.

12. NIGERIA

Diplomatic Immunities and Privileges Act, 1962

An Act[1] to consolidate and amend certain enactments relating to diplomatic immunities and privileges.

Commencement [27 December 1962]

Be it Enacted by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:

...

Part II. Immunities and Privileges of International Organizations and Persons Connected Therewith

Immunities, etc., of certain international organizations, etc.

11. (1) This section shall apply to any organization declared by the Minister by Order to be an organization the members of which are sovereign Powers (whether foreign sovereign Powers or Commonwealth countries) or the Government or Governments thereof.

1/ No. 42 of 1962.

(2) The Minister may from time to time by Order in the Gazette:

(a) provide that any organization to which this section applies (hereinafter referred to as "the organization") shall, to such extent as may be specified in the Order, have the immunities, and privileges set out in the First Schedule to this Act, and shall also have the legal capacities of a body corporate:

First Schedule

(b) confer upon:

(i) any persons who are representatives (whether of Governments or not) on any organ of the organization or at any conference convened by the organization or of any organ thereof;

(ii) such officers or classes of officers of the organization as are specified in the Order, being holders of such high offices in the organization as are so specified;

(iii) such persons employed on missions on behalf of the organization as are specified in the Order, to such extent as are specified in the Order, the immunities and privileges specified in the Second Schedule to this Act.

Second Schedule

(c) confer upon such other classes of officers and servants of the organization as specified in the Order, the immunities and privileges specified in the Third Schedule to this Act to such extent as are so specified -

Third Schedule

and the Fourth Schedule to this Act shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organization any immunities and privileges conferred on the representatives, members, or officers under that paragraph, except in so far as the operation of the

Fourth Schedule

/...

said Fourth Schedule is excluded by the Order conferring the immunities and privileges.

(3) Nothing in this section shall authorize the making of any Order to confer immunity or privilege upon any person as the representative of the Government of Nigeria or as a member of the staff of such a representative.

Fifth Schedule

(4) For the avoidance of doubt, the Notices and Orders in Council in the Fifth Schedule to this Act made or issued under the authority of any Act repealed by this Act shall, with all necessary modifications, be deemed to have been made by the Minister as Orders under this section; and such Notices and Orders in Council shall have effect accordingly but may at any time be amended, revoked or replaced by the Minister.

Power to confer immunity on certain persons

12. The Minister may from time to time, by Order in the Gazette confer on the judges and registers of the International Court of Justice established by the Charter of the United Nations, and on suitors to that court and their agents, counsel, and advocates, such immunities, privileges, and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

Extent of privileges

13. The powers conferred on the Minister by sections eleven and twelve of this Act to grant certain immunities shall be deemed to include the power to exempt:

Cap 191

(a) from stamp duty under the Stamp Duties Act and from the fee or duty (if any) chargeable under any other Act, any instrument or class of instruments to which any organization or person to which or to whom either of those sections applies is a party;

(b) from any duty chargeable under the law relating to customs or excise any goods belonging to or acquired by any such organization or person.

Immunities and privileges of representatives attending international conferences

14. Where -

(a) a conference is held in Nigeria and is attended by representatives of the Government or Governments of one or more foreign sovereign Powers; and

(b) it appears to the Minister that doubts may arise as to the extent to which the representatives of those Governments (other than the Federal or any Regional Government of Nigeria) and members of their official staffs are entitled to immunities and privileges,

the Minister may, by notice in the Gazette, direct that every representative of any such Government (other than the Federal or any Regional Government of Nigeria) shall, for the purpose of any enactment or rule of law or custom relating to the immunities and privileges of a foreign envoy, be treated as if he were a foreign envoy, and that such of the members of his official staff as the Minister may from time to time direct shall be treated for the purpose aforesaid as if they were members of the official staff of a foreign envoy.

Organizations and persons may waive immunity

15. Any organization or person may waive any immunity, inviolability or privileges conferred on it or him under this Part of this Act.

Reciprocal treatment

16. Nothing in this Part of this Act shall be construed to preclude the Minister from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from nationals or representatives of any Government or sovereign Power on the ground that that Government or Power is failing to accord corresponding immunities or privileges to Nigerian nationals or representatives.

Part III. Miscellaneous and Supplemental

...

Certificate of Minister

18. If in any proceedings any question arises whether or not any organization or any person is entitled to immunity from suit and legal process under any provision of this Act or of any regulations made under this Act, a certificate issued by the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

...

Interpretation

22. (1) In this Act unless the context otherwise requires -

...

"member of the family" in relation to any person to whom this Act applies, means the spouse or any child of that person;

"Minister" means the Minister charged with responsibility for foreign affairs and Commonwealth relations;

"personal immunities" means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and includes inviolability of residence and appearance before any court or other tribunal as a witness;

"residence" ... in relation to any person accorded personal immunities under Part II of this Act, means any house or other premises for the time being occupied by that person, and however acquired.

...

Schedules

First Schedule — Section 11 (2) (a)

Immunities and Privileges of International Organizations

1. Immunity from suit and legal process.

2. The like inviolability of residence and official archives as is accorded in respect of the residence and official archives of a foreign envoy.

/...

3. The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

4. Exemption from taxes on the importation of goods directly imported by the organization for its official use in Nigeria or for exportation, or on the importation of any publications of the organization directly imported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for finance may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and in the case of any publications of the organization directly imported or exported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for health may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Nigeria), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Second Schedule — Section 11 (2)(b)

Immunities and Privileges of Representatives, Members of Committees, Senior Officers, and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a foreign envoy.

2. The like inviolability of residence and official archives as is accorded to a foreign envoy.

3. The like exemption from taxes and rates as is accorded to a foreign envoy.

Third Schedule — Section 11 (2)(c)

Immunities and Privileges of Other Officers and Servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from taxes in respect of emoluments received as an officer or servant of the organization.

3. Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in Nigeria, that exemption to be subject to compliance with such conditions as the Federal Minister of Finance may prescribe for the protection of the revenue.

Fourth Schedule — Section 11 (2)

Immunities and Privileges of Official Staffs and of Senior Officers' Families

1. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as the representative on any organ of the organization or a member of any committee of the organization or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the members of the official staff of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as an officer of the organization, the members of the family of that person shall also be entitled to those immunities and privileges to the same extent as the members of the family of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.

Fifth Schedule — Section 11 (4)

Notices and Orders in Council Continued in Operation

Cf Vol. VII p. 222 Laws of Nigeria, etc., 1958

(a) the Diplomatic Privileges (United Nations) Declaration of Application Notice published as Public Notice 122 of 1948;

(b) the Diplomatic Privileges (Specialized Agencies) Declaration of Application Notice published as Public Notice 150 of 1949;

(c) the Diplomatic Privileges (UNICEF) Declaration of Application Notice published as L.N. 122 of 1955;

(d) the Diplomatic Privileges (United Nations and International Court of Justice) Order published as Order in Council 27 of 1948;

(e) the Diplomatic Privileges (Food and Agriculture Organization) Order published as Order in Council 31 of 1949;

(f) the Diplomatic Privileges (United Nations Educational, Scientific, and Cultural Organization) Order published as Order in Council 32 of 1949;

(g) the Diplomatic Privileges (International Refugee Organization) Order published as Order in Council 33 of 1949;

(h) the Diplomatic Privileges (World Health Organization) Order published as Order in Council 34 of 1949 and thereafter amended by L.N. 71 of 1956;

(i) the Diplomatic Privileges (International Civil Aviation Organization) Order published as Order in Council 35 of 1949 and thereafter amended by L.N. 72 of 1956;

(j) the Diplomatic Privileges (International Labour Organisation) Order published as Order in Council 36 of 1949;

(k) the Diplomatic Privileges (World Meteorological Organization) Order published as L.N. 68 of 1956;

(l) the Diplomatic Privileges (Universal Postal Union) Order published as L.N. 69 of 1956;

(m) the Diplomatic Privileges (International Telecommunication Union) Order published as L.N. 70 of 1956.

13. SIERRA LEONE

(a) International Organizations (Names and Emblems) Act, 1962

An Act[1] to prevent the unauthorized use of certain international symbols.

Date of Commencement

[22 November 1962]

Be It Enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:

...

Definition

2. In this Act "the Minister" means the Minister charged with the responsibility for External Affairs.

Penalty for unauthorized use of names or emblems of organizations set out in the Schedule

3. If any person, without the consent of the Minister or of the organization concerned, uses, in connexion with any trade, business, calling or profession -

(i) the name; or

(ii) the abbreviation of the name; or

(iii) the official emblem,

1/ No. 49 of 1962.

of any international organization as the same is set out and described in the Schedule (or any name, abbreviation of name, or emblem so closely resembling that of any such organization as to be calculated to deceive) in such a manner as to be calculated to lead to the belief that he is duly authorized so to use such name, abbreviation, or emblem, he shall be guilty of an offence against this section and liable on summary conviction to a fine not exceeding fifty pounds.

The Schedule

Power to vary Schedule

4. The Minister may, by Order, add to, vary or revoke the whole or any part of the Schedule.

Schedule

(Section 3)

(i) Name of Organization	(ii) Abbreviation	(iii) Official Emblem
1. World Health Organization	WHO	The symbol of the United Nations Organization surmounted by an Aesculapian staff and serpent.

Passed in the House of Representatives this 1st day of August, in the year of our Lord one thousand nine hundred and sixty-two.

J.W.E. Davies
Acting Clerk of the House
of Representatives

(b) International Financial Organizations Act, 1962

An Act[1/] to enable Sierra Leone to become a Member of the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation and the International Development Association.

1/ No. 37 of 1962.

Date of Commencement

[23 August 1962]

...

Enactment

Now Therefore, Be It Enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Representatives in this present Parliament assembled and by the authority of the same, as follows:

...

Status and immunities of organizations

5. (1) The Juridical personality of the Fund, the Bank, the Corporation and the Association is recognized by Sierra Leone and in particular the capacity to contract, to acquire and dispose of immovable and movable property, and to institute legal proceedings. The provision regarding judicial process contained in section 3 of Article IX of the Fund Agreement,[1] in section 3 of Article VII of the Bank Agreement,[2] in section 3 of Article VI of the Corporation Agreement[3] and in section 3 of Article VIII of the Association Agreement respectively, shall have the force of law in Sierra Leone.

(2) Without prejudice to the powers conferred by section 11 of the Diplomatic Immunities and Privileges Act, 1961, the Governor-General shall by Order make such provisions as are necessary for carrying into effect any of the provisions of the Fund Agreement, the Bank Agreement, the Corporation Agreement and the Association Agreement, relating to the status, immunities and privileges of the Fund, the Bank, the Corporation and the Association and their respective governors, executive directors, directors, alternates, officers and employees, or any of the provisions of the Fund Agreement as to the unenforceability of exchange contracts.

1/ United Nations, Treaty Series, vol. 2, p. 40.

2/ Ibid., p. 134.

3/ Ibid., vol. 264, p. 117.

Passed in the House of Representatives this 1st day of August in the year of our Lord one thousand nine hundred and sixty-two.

J.W.E. Davies
Acting Clerk of the House
of Representatives

14. SWEDEN

Act[1] of 28 June 1962 on privileges granted certain international organizations, etc.

Section 1

Notwithstanding what may have been provided for elsewhere by law or special regulations, the following international organizations shall enjoy immunity and privileges in accordance with what is prescribed in conventions or agreements which Sweden has acceded to:

1. The United Nations;
2. The specialized agencies of the United Nations;
3. The Council of Europe;
4. The Customs Co-operation Council;
5. The International Atomic Energy Agency;
6. The European Free Trade Association;
7. The Organization for Economic Co-operation and Development.

What is stated above shall also apply to the International Court of Justice and to the European Court of Human Rights.

Section 2

The following persons are likewise entitled to the privileges referred to in section 1:

1. The representatives of members of the organizations mentioned in section 1, first paragraph, and persons employed by or engaged by these organizations;
2. The members and the staff of the International Court of Justice and those who otherwise participate in the proceedings of the Court;

1/ Translation kindly furnished by the Permanent Representative of Sweden to the United Nations.

3. The members of the European Commission of Human Rights;

4. The members of the European Court of Human Rights as well as the Secretary-General and the Assistant Secretary-General of the Court.

Section 3

The King in Council may issue further regulations as to the application of this law.

15. SWITZERLAND

Federal Act[1] of 15 December 1961 concerning protection of the names and emblems of the United Nations and other intergovernmental organizations

Article 1

1. No person shall, except with the express consent of the Secretary-General of the United Nations, use any of the following signs which belong to the United Nations and of which Switzerland shall have been notified:

(a) The name of the Organization (in any language);

(b) Its initials (in the official languages of Switzerland or in English);

(c) Its armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

Article 2

1. No person shall use any of the following signs communicated to Switzerland through the International Bureau for the Protection of Industrial Property and belonging to the specialized agencies of the United Nations or to other intergovernmental organizations associated with the United Nations:

(a) The names of such organizations (in the official languages of Switzerland or in English);

(b) Their initials (in the official languages of Switzerland or in English);

(c) Their armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

1/ Came into force on 1 June 1962. Translation from French by the Secretariat of the United Nations.

Article 3

1. No person shall use any of the following signs, communicated to Switzerland through the International Bureau and belonging to other intergovernmental organizations of which one or more countries of the Paris Union for the protection of industrial property are members:

(a) The name of such organizations (in the official languages of Switzerland or in English);

(b) Their initials (in the official languages of Switzerland or in English);

(c) Their armorial bearings, flags or other emblems.

2. Imitations of the signs referred to in paragraph 1 are likewise prohibited.

Article 4

1. The names and initials, and a reproduction of the armorial bearings, flags and other emblems, of those intergovernmental organizations referred to in articles 1, 2 and 3 which are protected by this Act shall be published in the Feuille fédérale.

2. Protection shall become effective for each organization on the date of publication of the notice relating to it.

Article 5

Subject to the provisions of article 11, paragraph 2, any person who, before the publication mentioned in article 4, has begun to use in good faith such names, initials, armorial bearings, flags or other protected emblems may continue to use them in the same manner provided that no detriment is thereby caused to the intergovernmental organization concerned.

Article 6

1. Trade names the use of which is prohibited by this Act may not be entered in the commercial register.

2. Trade marks and industrial designs and models which contravene this Act shall likewise be refused registration.

Article 7

1. Any person who, wilfully and in breach of the provisions of this Act, uses the name, initials, armorial bearings, flag or other emblem of an intergovernmental organization to which article 1, 2 or 3 applies, or uses any other sign which is an imitation thereof, and in particular any person who displays the same on a signboard or in an advertisement, handbill or commercial document, or affixes the same to merchandise or to a package containing merchandise, or sells, exposes for sale or otherwise circulates merchandise so marked, shall be liable to imprisonment or to a fine not exceeding 10,000 francs. For a slight offence or one committed through negligence, the court shall award detention (arrêts) or a fine not exceeding 1,000 francs.

2. This provision shall not affect the more severe penalties of the special section of the Penal Code.

3. The general provisions of the Penal Code shall apply to the offences created by this Act.

Article 8

1. Where any of the offences created by article 7 is committed in the course of management of a corporation, private company, limited partnership or individual business, the provisions of that article shall apply to those persons who have acted or ought to have acted on behalf thereof; provided that, unless the responsible management shows that it has taken all possible steps to ensure the compliance of such persons with those provisions, the corporation, company or partnership or the proprietor of the business shall be jointly liable to pay the fine and the costs.

2. Corporations, companies, partnerships, and proprietors of individual businesses adjudged jointly liable shall have the same rights as the offenders.

Article 9

1. The cantons shall be responsible for the prosecution and conviction of offenders.

/

2. Complete copies of judgements, penal administrative orders, and orders for the dismissal of cases shall be communicated immediately without charge to the Ministère public of the Confederation for the information of the Federal Council.

Article 10

1. The competent authorities shall take the necessary measures of conservation, and may in particular impound merchandise and packages marked in breach of this Act.

2. Even if no person can be prosecuted or convicted, the court shall order removal of unlawful signs or, if that is impossible, the confiscation of articles marked in breach of this Act and of any instruments or devices used solely for the purpose of affixing such signs.

3. Where the court orders removal of unlawful signs, the articles shall thereafter be returned to their owners subject to payment of any fine and of the costs.

Article 11

1. The Federal Act of 25 March 1954 concerning protection of the emblem and name of the World Health Organization shall cease to have effect on the date when the signs previously protected by that Act are published in conformity with article 4 of this Act.

2. Any person who has used such protected signs since a date earlier than 17 July 1948 may continue to use them in the same manner provided that no detriment is thereby caused to the World Health Organization.

Article 12

The Federal Council shall determine the date upon which this Act shall come into force.

Berne, 15 December 1961.

16. TANGANYIKA

(a) The Bretton Woods Agreements Act, 1962

An Act 1/ to make provision with respect to Acceptance by the Government of the Agreements for the International Monetary Fund 2/ and the International Bank for Reconstruction and Development 3/ and to provide for matters related thereto

/13 July 1962/

. . . .

And whereas it is expedient that Tanganyika becomes a member of the Fund and of the Bank and that provision be made for acceptance by Tanganyika of the Fund Agreement and the Bank Agreement and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . .

4.

. . . .

(6) The provisions of the Fund Agreement and the Bank Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

Provided that nothing in section 9 of Article IX of the Fund Agreement or in section 9 of Article VII of the Bank Agreement shall be construed as -

(a) entitling the Fund or the Bank to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;

(b) conferring on the Fund or the Bank any exemption from duties or taxes which form part of the price of goods sold; or

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1/ No. 22 of 1962.

2/ United Nations, Treaty Series, vol. 2, p. 40.

3/ Ibid., p. 134.

(c) conferring on the Fund or the Bank any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreements which are to have the force of law.

The Fund Agreement

/Article VIII, section 2 (b)
Article IX, section 2-9/

The Bank Agreement

/Article VII, sections 2-9/

Passed in the National Assembly on the twenty-sixth day of June, 1962.

G.W.Y. HUCKS
Clerk of the National Assembly

(b) The International Development Association Act, 1962

An Act[1] to make provision with respect to Acceptance by the Government of an International Agreement for the Establishment and Operation of an International Development Association and to provide for matters related thereto

/13 July 1962/

. . . .

And whereas it is expedient that Tanganyika becomes a member of the Association and that provision be made for acceptance by Tanganyika of the Agreement and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . .

4.

. . . .

(6) The provisions of the Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

1/ No. 28 of 1962.

Provided that nothing in section 9 of Article VIII of the Agreement shall be construed as -

(a) entitling the Association to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;

(b) conferring on the Association any exemption from taxes or duties which form part of the price of goods sold; or

(c) conferring on the Association any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreement which are to have the force of law.

International Development Association - Articles of Agreement

[Article VIII, sections 2-9]

Passed in the National Assembly on the twenty-sixth day of June, 1962.

G.W.Y. HUCKS
Clerk of the National Assembly

(c) The International Finance Corporation Act, 1962

An Act[1] to make provision with respect to Acceptance by the Government of an International Agreement for the Establishment and Operation of an International Finance Corporation and to provide for matters related thereto

[13 July 1962]

. . . .

And whereas it is expedient that Tanganyika becomes a member of the Corporation and that provision be made for acceptance by Tanganyika of the Agreement[2] and for carrying out the obligations of Tanganyika thereunder:

Now therefore be it enacted by the Parliament of Tanganyika:

. . . .

4.

. . . .

1/ No. 33 of 1962.

2/ United Nations, Treaty Series, vol. 264, p. 117.

(5) The provisions of the Agreement set out in the Schedule to this Act shall have the force of law in Tanganyika:

Provided that nothing in section 9 of Article VI of the Agreement shall be construed as -

(a) entitling the Corporation to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;

(b) conferring on the Corporation any exemption from duties or taxes which form part of the price of goods sold; or

(c) conferring on the Corporation any exemption from taxes or duties which are in fact no more than charges for services rendered.

Schedule

Provisions of Agreement which are to have the force of law.

Articles of Agreement of the International Finance Corporation

/Article VI, sections 2-9 and 11/

Passed in the National Assembly on the twenty-sixth day of June,

G.W.Y. HUCKS
Clerk of the National Assembly

17. THAILAND

(a) An Act to Facilitate the Operation of the United Nations Organization and its Specialized Agencies in Thailand B.E. 2504 /1961/ 1/

BHUMIBOL ADULYADEJ P.R.

Given on the 13th Day of December B.E. 2504 /1961/

Being the 16th year of the Present Reign

By Royal Command of His Majesty King Bhumibol Adulyadej, it is hereby proclaimed that -

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1/ Government Gazette, 28 January 1962. Translation kindly furnished by the Ministry of Foreign Affairs of Thailand.

Whereas it is considered appropriate to revise the law concerning the operation of the United Nations Organization and its Specialized Agencies in Thailand;

His Majesty the King, with the advice and consent of the Constituent Assembly, acting as the Legislative Assembly, is graciously pleased to adopt the following Act:

Section 1

This Act shall be called "An Act to Facilitate the Operation of the United Nations Organization and its Specialized Agencies in Thailand B.E. 2504 [1961]."

Section 2

This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3

The following shall be repealed

1. An Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand B.E. 2498 [1955] [1] and

2. An Act concerning the Operation of the United Nations Organization and its Specialized Agencies in Thailand (No. 2) B.E. 2499 [1956]. [1]

Section 4

To facilitate the operation of the United Nations Organization and its Specialized Agencies in the attainment of their aims and purposes:

1. The United Nations Organization and its organs shall be recognized juristic persons and deemed to have their domicile in Thailand.

2. The United Nations Organization and its organs, premises, property, assets and archives of the United Nations and/or its organs and representatives of

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1/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 112.

Member States and officials of the United Nations and/or its organs as well as expert or other persons performing official duties for the United Nations and/or its organs during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with the United Nations and/or its organs, shall be accorded the privileges and immunities specified in the Convention on the Privileges and Immunities adopted by the General Assembly of the United Nations on 13 March B.E. 2489 /1946/ in so far as the Government has accepted the provision of the said Convention or in accordance with the Agreements concluded or to be concluded by the Government with the United Nations or its organs.

Section 5

To facilitate the operation in Thailand of Specialized Agencies listed in the attached Royal Decree[1/] issued pursuant to this Act in the attainment of their purposes:

1. Such Specialized Agencies shall be recognized juristic persons and deemed to have their domicile in Thailand.

2. Such Specialized Agencies, their premises, property, assets and archives, representatives of their members, and their officials as well as experts or other persons performing official duties for such Specialized Agencies during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with such Specialized Agencies, shall be accorded the privileges and immunities specified in the Convention on the Privileges and Immunities of Specialized Agencies adopted by the General Assembly on 21 November B.E. 2490 /1947/ in so far as the Government has accepted or will in future accept subject to the Conditions specified in the Annexes to the Convention or Supplementary Annexes or Amended Annexes, or in accordance with the Agreements concluded or to be concluded by the Government of Thailand with such Specialized Agencies.

1/ See (c) below.

Section 6

The Minister of Foreign Affairs shall be the authority in charge of the application of the Act.

Countersigned by:

Field Marshal S. Dhanarajata
Prime Minister.

(b) An Act to Facilitate the Operation of the International Atomic Energy Agency in Thailand B.E. 2505 /1962/ 1/

In the Name of His Majesty King Bhumibol Adulyadej

SANGVAL
Regent

Given on the 21st day of March B.E. 2505 /1962/
Being the 17th year of the Present Reign

Whereas it is fitting that there be a law concerning facilitation of the operation of the International Atomic Energy Agency in Thailand;

His Majesty the King, with the advice and consent of the Constituent Assembly acting as the Legislative Assembly, has graciously proclaimed the adoption of the following Act:

Section 1

This Act shall be called "An Act to Facilitate the Operation of the International Atomic Energy Agency in Thailand B.E. 2505 /1962/."

Section 2

This Act shall come into force on the day following the date of its publication in the Government Gazette.

1/ Government Gazette, 27 March 1962. Translation kindly furnished by the Ministry of Foreign Affairs of Thailand.

Section 3

To facilitate the operation in Thailand of the International Atomic Energy Agency in the attainment of its aims and purposes:

1. The International Atomic Energy Agency shall be a recognized juristic person and deemed to have its domicile in Thailand.

2. The International Atomic Energy Agency, its premises, property, assets and archives and representatives of members of the International Atomic Energy Agency as well as experts performing official duties for the International Atomic Energy Agency during their terms of office in Thailand or their entry into Thailand to take up offices or in the performance of any function connected with the International Atomic Energy Agency, shall be accorded the privileges and immunities of the International Atomic Energy Agency adopted by the Board of Governors of the International Atomic Energy Committee on 1 July B.E. 2502 [1959], in so far as the Government has accepted the provisions of the said Agreement or in accordance with the Agreements concluded or to be concluded by the Government with the International Atomic Energy Agency.

Section 4

The Minister of Foreign Affairs shall be the authority in charge of the application of this Act.

Countersigned by:

Field Marshal S. Dhanarajata
Prime Minister.

(c) Royal Decree Listing Specialized Agencies B.E. 2504 [1961] 1/

BHUMIBOL ADULYADEJ P.R.

Given on the 24th day of December B.E. 2504 [1961]
Being the 16th year of the Present Reign

1/ Government Gazette, 28 January 1962.

By Royal Command of His Majesty King Bhumibol Adulyadej it is hereby proclaimed that -

Whereas it is deemed proper to list Specialized Agenc: ;

His Majesty the King, by virtue of the power conferred in Section 5 of the Act for the Protection of United Nations and Specialized Agencies in Thailand B.E. 2504 /1961/, 1/ is graciously pleased to enact a Royal Decree as follows:

Section 1

This Royal Decree shall be called the "Royal Decree Listing Specialized Agencies B.E. 2504 /1961/ ".

Section 2

This Royal Decree shall come into force on and from the date of its publication in the Government Gazette.

Section 3

The following specialized agencies shall come under Section 5 of the Act for the Protection of United Nations and Specialized Agencies in Thailand B.E. 2504 /1961/: 1/

1. International Labour Organisation
2. Food and Agriculture Organization of the United Nations
3. International Civil Aviation Organization
4. United Nations Educational, Scientific and Cultural Organization
5. International Monetary Fund
6. International Bank for Reconstruction and Development
7. World Health Organization

1/ See (a) above.

8. International Telecommunication Union
9. World Meteorological Organization
10. International Finance Corporation

Countersigned by:

Field Marshal S. Dhanarajata
President of the Council of Ministers

CHAPTER II

TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS AND INFORMATION CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS

1. CONVENTION[1] ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946.

The following States acceded to the Convention on the Privileges and Immunities of the United Nations in 1962:[2]

State	Date of receipt of instrument of accession[3]
Central African Republic	4 September 1962 d
Congo (Brazzaville)	15 October 1962 d
Madagascar	23 May 1962 d
Mexico*	26 November 1962
Mongolia*	31 May 1962
Sierra Leone	13 March 1962 d
Tanganyika	29 October 1962
Togo	27 February 1962 d
Upper Volta	27 April 1962

This brought up to 76 the number of States parties to the Convention.

1/ United Nations, Treaty Series, vol. 1, p. 15.

2/ The Convention is in force with regard to each State which deposited an instrument of accession with the Secretary-General of the United Nations as from the date of its deposit.

3/ The symbol "d" immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

* With the following declarations or reservations:

(foot-note continued on following page)

2. AGREEMENTS RELATING TO CONFERENCES AND SEMINARS

(a) Agreement[1] between the United Nations and the Government of India on the organization in India of a seminar on freedom of information. Signed at New York, on 19 February 1962.

Article IV

Facilities, privileges and immunities

1. The Convention on the Privileges and Immunities of the United Nations shall be applicable in respect of the seminar. Accordingly, officials of the United Nations performing functions in connexion with the seminar shall enjoy the privileges and immunities provided under articles V and VII of the said Convention.

(foot-note continued from previous page)

Mexico:

(a) The United Nations and its organs shall not be entitled to acquire immovable property in Mexican territory, in view of the property regulations laid down by the Political Constitution of the United Mexican States.

(b) Officials and experts of the United Nations and its organs who are of Mexican nationality shall enjoy, in the exercise of their functions in Mexican territory, exclusively those privileges which are granted them by section 18, paragraphs (a), (d), (f) and (g), and by section 22, paragraphs (a), (b), (c), (d) and (f) respectively, of the Convention on the Privileges and Immunities of the United Nations, on the understanding that the inviolability established in the aforesaid section 22, paragraph (c), shall be granted only for official papers and documents. (Translation by the Secretariat of the United Nations)

Mongolia

"... the Mongolian People's Republic does not consider itself bound by the provisions of section 30 of the said General Convention, which provide that any difference arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice; and in such a case the position of the Mongolian People's Republic is that, for submission of a particular dispute to the International Court for settlement, the consent of all parties to the dispute is necessary in every case.

This reservation is equally applicable to the provision that the advisory opinion given by the International Court of Justice shall be accepted as decisive."

1/ Came into force on 19 February 1962.

2. Officials of the specialized agencies invited to the seminar shall enjoy the privileges and immunities provided under the Convention on the Privileges and Immunities of the specialized agencies.

3. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, all participants and all persons performing functions in connexion with the seminar shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the seminar.

4. All participants and all persons performing functions in connexion with the seminar, who are not nationals of India, shall have the right of entry into and exit from India for the period necessary for the performance of their functions. They shall be granted facilities for speedy travel. Visas, where required, shall be granted free of charge.

(b) Agreement[1] between the United Nations and the Government of Sweden relating to a human rights seminar to be held in Stockholm. Signed at New York, on 1 June 1962.

Article IV

/Similar to article IV in (a) above/

(c) Agreement[2] concerning the holding of the Second Symposium on the Development of Petroleum Resources of Asia and the Far East. Signed at Teheran, on 5 September 1952.

Article IV

1. /Similar to article IV (1) in (a) above/

2. Officials of the specialized agencies performing functions in connexion with the Symposium shall enjoy the same privileges and immunities as officials of the United Nations.

1/ Came into force on 1 June 1962.

2/ Came into force on 5 September 1962.

3. Without prejudice to the provisions of the foregoing paragraphs, participants and all persons performing functions in connexion with the Symposium shall enjoy such privileges and immunities, facilities and courtesies, as are necessary for the independent exercise of their functions in connexion with the Symposium.

4. /Similar to article IV (4) in (a) above/

(d) Agreement[1] between the United Nations and the Government of Japan on a human rights seminar in Tokyo. Signed at New York, on 11 April 1962.

Article IV

1. Officials of the United Nations Secretariat assigned to the seminar shall be accorded privileges and immunities similar to those provided under articles V and VII of the Convention on the Privileges and Immunities of the United Nations.

2. Officials of the specialized agencies invited to the seminar in pursuance of article II (c) shall be accorded privileges and immunities similar to those to be accorded to the officials of the United Nations Secretariat under paragraph 1 of this article.

3. Without prejudice to the provisions of the Convention on the Privileges and Immunities of the United Nations, the Government undertakes to accord all participants and alternates nominated by Governments under article II (a) such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connexion with the seminar.

4. /Similar to article IV (4) in (a) above/

1/ Came into force on 11 April 1962.

(e) Exchange of letters constituting a supplementary agreement[1/] to the Agreement of 28 June 1962 between the United Nations and the Federal Republic of Germany regarding arrangements for the United Nations Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962. New York, 24 July 1962.

I

24 July 1962

Sir,

As directed by the Acting Secretary-General, I have the honour to refer to the exchange of letters dated 28 June 1962 constituting an agreement between the United Nations and the Government of the Federal Republic of Germany concerning arrangements for the International Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962, and to propose the following arrangements concerning the privileges and immunities to be accorded in respect of the Conference.

1. Without prejudice to the provisions of the succeeding paragraphs, the Government of the Federal Republic of Germany undertakes, with respect to the Conference, to accord to the United Nations, to representatives of its Members to the Conference, and to all its officials irrespective of nationality, privileges and immunities no less favourable than she accords with respect to any Specialized Agency under the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The Conference area, including meeting halls, conference rooms and offices shall, for the duration of the Conference, be deemed to constitute United Nations premises which shall be inviolable and access to them shall be under the control and authority of the United Nations.

3. Representatives of States non-Members of the United Nations invited to the Conference shall enjoy the same privileges and immunities as accorded representatives of States Members of the Organization.

The Permanent Observer of the Federal Republic
of Germany to the United Nations
460 Park Avenue
New York 22, N.Y.

1/ Came into force on 24 July 1962. See also chapter I, section 5 (b) above.

4. Observers of States Members or non-Members of the United Nations invited to the Conference shall enjoy the same privileges and immunities as accorded to representatives of States Members of the Organization.

5. Representatives and Observers of States Members or non-Members of the United Nations invited to the Conference shall enjoy such other privileges, immunities and facilities in accordance with Section 11 (g) of the Convention on the Privileges and Immunities of the United Nations.

6. The Secretary-General and the Under-Secretaries of the United Nations and the Executive Secretary of the Conference shall enjoy the privileges, immunities and facilities envisaged in Section 19 of the Convention on the Privileges and Immunities of the United Nations.

7. Observers of Specialized Agencies and other inter-governmental organizations invited to the Conference shall enjoy the same privileges and immunities as accorded to officials of comparable rank of the United Nations.

8. The Government undertakes to authorize the entry into and exit from its territory for the duration of the Conference of the following categories of persons:

(a) Representatives and Observers of States Members or non-Members of the United Nations invited to the Conference, and their immediate families;

(b) Officials of the United Nations performing functions in connexion with the Conference, and their immediate families;

(c) Observers of Specialized Agencies and other inter-governmental organizations invited to the Conference, and their immediate families;

(d) Observers of non-governmental organizations having consultative status with the Economic and Social Council of the United Nations attending the Conference;

(e) Observers of international scientific organizations, which are interested in the publication of the International Map of the World on the Millionth Scale, invited to the Conference;

(f) Representatives of the press, or of radio, television, film, or other information agencies accredited by the United Nations after consultation with the Federal Government in accordance with the established practice of the United Nations at its Headquarters, as well as persons invited to the Conference by the United Nations on official business.

This letter and your reply accepting the foregoing proposal shall be deemed to constitute a supplementary agreement between the United Nations and the Government of the Federal Republic of Germany.

Accept, Sir, the assurances of my highest consideration.

William R. LEONARD
Officer-in-Charge
Department of Economic and
Social Affairs

II

FEDERAL REPUBLIC OF GERMANY

The Permanent Observer
to the United Nations

460 Park Avenue
New York 22, N.Y.

Murray Hill 8-2333

24 July 1962

Sir,

I have the honour to refer to your letter dated 24 July 1962 proposing certain arrangements concerning privileges and immunities to be accorded in respect of the International Technical Conference on the International Map of the World on the Millionth Scale to be held in Bonn in August 1962.

On behalf of my Government, I wish to accept the arrangements proposed in your letter and to confirm that our exchange of letters shall be deemed to constitute a supplementary agreement between the United Nations and the Government of the Federal Republic of Germany.

Accept, Sir, the assurances of my highest consideration.

K. Heinrich KNAPPSTEIN
Ambassador

Mr. W.R. Leonard
Officer in Charge of the
Department of Economic and Social Affairs
United Nations
New York

/...

3. AGREEMENTS RELATING TO THE UNITED NATIONS CHILDREN'S FUND: REVISED MODEL AGREEMENT[1] CONCERNING THE ACTIVITIES OF UNICEF

Article VI. Claims against UNICEF

1. The Government shall assume, subject to the provisions of this Article, responsibility in respect of claims resulting from the execution of Plans of Operations within the territory of _____.

2. The Government shall accordingly defend, indemnify and hold harmless UNICEF and its employees or agents against all liabilities, suits, actions, demands, damages, costs or fees on account of death or injury to persons or property resulting from anything done or omitted to be done in the execution within the territory concerned of Plans of Operations made pursuant to this Agreement, not amounting to a reckless misconduct of such employees or agents.

3. In the event of the Government making any payment in accordance with the provisions of paragraph 2 of this Article, the Government shall be entitled to exercise and enjoy the benefit of all rights and claims of UNICEF against third persons.

4. This Article shall not apply with respect to any claim against UNICEF for injuries incurred by a staff member of UNICEF.

5. UNICEF shall place at the disposal of the Government any information or other assistance required for the handling of any case to which paragraph 2 of this Article relates or for the fulfilment of the purposes of paragraph 3.

Article VII. Privileges and Immunities

The Government shall apply to UNICEF, as an organ of the United Nations, to its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations (to which _____ is a party). No taxes, fees, tolls or duties shall be levied on supplies and equipment furnished by UNICEF so long as they are used in accordance with the Plans of Operations.

1/ UNICEF Field Manual, vol. II, part IV-2, Appendix A (16 August 1961).

(a) Agreements[1] between UNICEF and the Governments of the Ivory Coast, Yemen, Somalia, the Congo (Brazzaville) and Algeria concerning the activities of UNICEF in these countries. Signed respectively at Abidjan on 14 September 1961 and New York on 10 January 1962, at Hodeida on 31 January 1962, at Mogadiscio on 27 February and 1 April 1962, at Brazzaville on 9 April 1962, and at Algiers on 20 November 1962.

These agreements contain articles similar to articles VI and VII of the revised model agreement.

(b) Agreement[2] between UNICEF and the Government of Sierra Leone concerning the activities of UNICEF in Sierra Leone. Signed at Freetown, on 11 April 1962.

This agreement contains articles similar to articles VI and VII of the revised model agreement, with the substitution of the following paragraph to article VI (3):

3. In the event of the Government making any payment in accordance with the provisions of paragraph 2 of this article, the Government shall be entitled to exercise and enjoy the benefit of all rights and claims of UNICEF against third persons, and for the purpose of the proper prosecution of defence of all suits or actions on behalf of UNICEF the Government shall be entitled to take all necessary steps including that of the issue of third party notices.

4. AGREEMENTS RELATING TO TECHNICAL ASSISTANCE: MODEL REVISED STANDARD AGREEMENT [3] CONCERNING TECHNICAL ASSISTANCE

Article I

Furnishing of Technical Assistance

....

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organizations and their experts, agents

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1/ Came into force, respectively, on 10 January 1962, 31 January 1962, 1 April 1962, 9 April 1962 and 20 November 1962.

2/ Came into force on 11 April 1962.

3/ Technical Assistance Board/Special Fund, Field Manual, section D1/1a(i) (February 1963).

or employees and shall hold harmless such Organizations and their experts, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government, the Executive Chairman of the Technical Assistance Board and the Organizations concerned that such claims or liabilities arise from the gross negligence or wilful misconduct of such experts, agents or employees.

Article V

Facilities, privileges and immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organizations, their property, funds and assets, and to their officials, including technical assistance experts,

(a) in respect of the United Nations, the Convention on the Privileges and Immunities of the United Nations;

(b) in respect of the specialized agencies, the Convention on the Privileges and Immunities of the Specialized Agencies; and

(c) in respect of the International Atomic Energy Agency, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

2. The Government shall take all practical measures to facilitate the activities of the Organizations under this Agreement and to assist experts and other officials of the Organizations in obtaining such services and facilities as may be required to carry on these activities. When carrying out their responsibilities under this Agreement, the Organizations, their experts and other officials shall have the benefit of the most favourable legal rate of conversion of currency.

(a) Standard Agreements[1] between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization and the International Atomic Energy Agency, and the Governments of Senegal, Dahomey, Western Samoa, Kuwait, Gabon, the Federation of Malaya, the Ivory Coast, Madagascar, Niger and Lebanon concerning technical assistance. Signed respectively at Dakar on 27 December 1961, at Porto-Novo on 17 January 1962, at Apia on 20 January 1962, at Kuwait on 13 February 1962, at Libreville on 21 February 1962, at Kuala Lumpur on 1 March 1962, at Abidjan on 10 April 1962, at Tananarive on 17 May 1962, at Niamey on 12 August 1962, and at Beirut on 11 September 1962.

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement.

(b) Standard Agreements[2] between the United Nations, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunication Union, the World Meteorological Organization, the International Atomic Energy Agency and the Universal Postal Union, and the Governments of Cameroon, Algeria, and Chad concerning technical assistance. Signed respectively at Yaoundé on 29 August 1962, at Algiers on 15 November 1962 and at Fort-Lamy on 6 December 1962.

These agreements contain articles similar to articles I (6) and V of the model revised standard agreement.

1/ Came into force, respectively, on 20 February 1962, 17 January 1962, 20 January 1962, 13 February 1962, 21 February 1962, 1 March 1962, 10 April 1962, 17 May 1962, 12 August 1962 and 11 September 1962.

2/ Came into force on the respective dates of signature.

5. AGREEMENTS RELATING TO THE SPECIAL FUND: MODEL AGREEMENT[1/] CONCERNING ASSISTANCE FROM THE SPECIAL FUND

Article VIII

Facilities, privileges and immunities

1. The Government shall apply to the United Nations and its organs, including the Special Fund, its property, funds and assets, and to its officials, the provisions of the Convention on the Privileges and Immunities of the United Nations.

2. The Government shall apply to each specialized agency acting as an Executing Agency, its property, funds and assets and to its officials, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies including any Annex to the Convention applicable to such specialized agency. In case the International Atomic Energy Agency acts as an Executing Agency, the Government shall apply to its property, funds and assets and to its officials and experts, the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

3. In appropriate cases where required by the nature of the project, the Government and the Special Fund may agree that immunities similar to those specified in the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies shall be granted by the Government to a firm or organization, and to the personnel of any firm or organization, which may be retained by either the Special Fund or an Executing Agency to execute or to assist in the execution of a project. Such immunities shall be specified in the Plan of Operation relating to the project concerned.

4. The Government shall take any measures which may be necessary to exempt the Special Fund and any Executing Agency and their officials and other persons performing services on their behalf from regulations or other legal provisions which may interfere with operations under this Agreement, and shall grant them

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1/ Technical Assistance Board/Special Fund, Field Manual, section D1/1 a (ii) (February 1963).

such other facilities as may be necessary for the speedy and efficient execution of projects. It shall, in particular, grant them the following rights and facilities:

(a) the prompt issuance without cost of necessary visas, licences or permits;

(b) access to the site of work and all necessary rights of way;

(c) free movement, whether within or to or from the country, to the extent necessary for proper execution of the project;

(d) the most favourable legal rate of exchange;

(e) any permits necessary for the importation of equipment, materials and supplies in connexion with this Agreement and for their subsequent exportation; and

(f) any permits necessary for importation of property belonging to and intended for the personal use or consumption of officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf, and for the subsequent exportation of such property.

5. In cases where a Plan of Operation so provides the Government shall either exempt from or bear the cost of any taxes, duties, fees or levies which may be imposed on any firm or organization which may be retained by an Executing Agency or by the Special Fund and the personnel of any firm or organization in respect of:

(a) the salaries or wages earned by such personnel in the execution of the project;

(b) any equipment, materials and supplies brought into the country in connexion with this Agreement or which, after having been brought into the country, may be subsequently withdrawn therefrom; and

(c) any property brought by the firm or organization or its personnel for their personal use or consumption or which, after having been brought into the country, may subsequently be withdrawn therefrom upon departure of such personnel.

6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or an Executing Agency, against the personnel of either, or against other persons performing services on behalf of either under this Agreement, and shall hold the Special Fund, the

Executing Agency concerned and the above-mentioned persons harmless in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Parties hereto and the Executing Agency that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

Article X

General provisions

.....

4. .... The obligations assumed by the Government under Article VIII hereof shall survive the expiration or termination of this Agreement to the extent necessary to permit orderly withdrawal of personnel, funds and property of the Special Fund and of any Executing Agency, or of any firm or organization retained by either of them to assist in the execution of a project.

(a) Agreements[1] between the United Nations Special Fund and the Governments of Ethiopia, the Netherlands, Guatemala, Madagascar, Niger, Dahomey, Uruguay, the Dominican Republic, Tanganyika and Algeria concerning assistance from the Special Fund. Signed respectively at Addis Ababa on 13 July 1960, at New York on 12 August 1960, at Guatemala City on 17 November 1960, at Tananarive on 5 January 1962, at New York on 26 February 1962, at New York on 28 March 1962, at Montevideo on 4 May 1962, at New York on 6 June 1962, at Dar es Salaam on 17 July 1962, and at Algiers on 15 November 1962.

These agreements contain articles similar to articles VIII and X (4) of the model agreement.

1/ Came into force, respectively, on 1 September 1962 (applied provisionally as from 13 July 1960), 27 April 1962 (applied provisionally as from 12 August 1960), 7 February 1962 (applied provisionally as from 17 November 1960), 5 January 1962, 26 February 1962, 28 March 1962, 4 May 1962, 6 June 1962, 17 July 1962 and 15 November 1962.

(b) Agreement[1] between the United Nations Special Fund and the Government of Senegal concerning assistance from the Special Fund. Signed at Dakar, on 16 December 1961.

This agreement contains articles similar to articles VIII and X (4) of the model agreement, and is accompanied by the following exchange of letters:[2]

I

REPUBLIC OF SENEGAL

Ministry of Technical Assistance and Co-operation

Dakar, 14 December 1961

The Minister for Technical Assistance and Co-operation to
His Excellency the Resident Representative of the United Nations,
Dakar

Sir,

During the negotiations on the procedures for assistance by the Special Fund to the Government of the Republic of Senegal, I had the honour to specify the interpretation given by the Government of Senegal to certain provisions of the Agreement.

I am authorized to communicate to you these interpretations, namely:

....

4. Article VIII, paragraph 4 (d). The most favourable rate of exchange, if any, will be granted.

5. Article VIII, paragraphs 1 and 2. The names of the officials of the Special Fund and the specialized Executing Agencies who are on mission to Senegal will be communicated to the Government by the Executive Chairman, the Managing Director or their representatives.

I have the honour to be, etc.

Karim GAYE

1/ Came into force on 20 February 1962.

2/ Translation by the Secretariat of the United Nations.

II

UNITED NATIONS TECHNICAL ASSISTANCE BOARD AND
SPECIAL FUND

Dakar, 16 December 1961

Sir,

I have the honour to acknowledge receipt of your letter of 14 December specifying the interpretations given by the Government of Senegal to certain articles of the Agreement between the Government of Senegal and the United Nations Special Fund, signed at Dakar on 16 December 1961.

On behalf of the Special Fund, I have the honour to confirm my concurrence with the specifications mentioned in your letter.

I have the honour to be, etc.

M. MIR KHAN
Resident Representative

Mr. Karim Gaye
Minister for Technical Assistance
and Co-operation
Dakar

(c) Agreement[1] between the United Nations Special Fund and the Government of Syria concerning assistance from the Special Fund. Signed at Damascus, on 7 July 1962.

This agreement contains articles similar to articles VIII and X (4) of the model agreement, and is accompanied by the following exchange of letters:

1/ Came into force on 30 August 1962.

/...

I

Damascus, 7 July 1962

Mr. Renart,

On signing the Agreement between the Government of the Syrian Arab Republic and the United Nations Special Fund concerning assistance from the Special Fund, it was agreed that:

1. The provision under paragraph 3, article VIII, will not be applied by the Plan of Operation relating to the project concerned without prior agreement with the Ministry of Foreign Affairs.

2. The exemption referred to in sub-paragraph (f), paragraph 4 of article VIII, will be applicable only at the time of the first arrival of the officials of the Special Fund or of an Executive Agency, or other persons performing services on their behalf.

I would appreciate the confirmation of your agreement to the above two points.

Very truly yours,

Soubhi KAHALEH
Minister of Planning

Mr. Jaime Renart
Representative of the TAB and
Director of the United Nations
Special Fund Programmes in the
Syrian Arab Republic
Damascus

II

Damascus, 7 July 1962

Excellency,

I have the honour to confirm that on signing the Agreement between the Government of the Syrian Arab Republic and the United Nations Special Fund concerning assistance from the Special Fund, it was agreed that:

/...

1. The provision under paragraph 3, article VIII, will not be applied by the Plan of Operation relating to the project concerned without prior agreement with the Ministry of Foreign Affairs.

2. The exemption referred to in sub-paragraph (f), paragraph 4 of article VIII, will be applicable only at the time of the first arrival of the officials of the Special Fund or of an Executing Agency, or other persons performing services on their behalf.

Accept, Excellency, the assurances of my highest consideration,

Very truly yours,

Jaime RENART
Representative of TAB and Director
of UNSF Programmes in the S.A.R.

His Excellency
Mr. Soubhi Kahaleh
Minister of Planning
Damascus

(d) Agreement[1] between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering. Signed at New York, on 31 October 1962.

This agreement contains articles similar in substance to articles VIII (with the omission of paragraphs 3 and 5) and X (4) of the model agreement, and is accompanied by the following exchange of letters:

1/ Applied provisionally as from 31 October 1962.

I

Permanent Mission of Japan to the
United Nations

New York

31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

1. With regard to article VIII, paragraphs 1 and 2, these paragraphs are understood to apply "in regard to the execution of the project".

2. With regard to article VIII, paragraph 4 /paragraph 6 in the model agreement/:

(a) The claims referred to in the phrase "The Government shall be responsible for dealing with any claims which may be brought by third parties against the Special Fund or the Executing Agency or against the personnel of either ... " are to be understood as meaning claims resulting from operations under this Agreement.

(b) It is further understood that the responsibility for dealing with such claims will not be interpreted as placing the obligation on the Government of Japan to become a party, or to act on behalf of a party, in litigation.

(c) The expression "operations under this Agreement" means the "acts done by the Special Fund, the Executing Agency or the personnel of either in the course of, or directly connected with, the performance of their mission".

....

Accept, Sir, the assurances of my highest consideration.

For the Government:

Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

/...

II

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

/See letter I/

....

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration,

For the Special Fund

Paul G. HOFFMAN
Managing Director, Special Fund

His Excellency
Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th floor
New York 17, N.Y.

III

Permanent Mission of Japan
to the United Nations

New York

31 October 1962

Sir,

With reference to the Agreement between the Government of Japan and the United Nations Special Fund concerning assistance from the Special Fund for the establishment of an International Institute of Seismology and Earthquake Engineering signed today, I have the honour to inform you of the following:

With regard to article VIII, paragraph 3 (d) /paragraph 4 (d) in the model agreement/, the basic rate of exchange of the Japanese currency is, according to

/...

the regulations of Japan, unitary for all kinds of transactions, but the actual rate of buying and/or selling may fluctuate within a narrow range around the basic rate. For example, the basic rate for the U.S. dollar is ¥ 360. Around this basic rate, the authorized Foreign Exchange Banks are allowed to decide the actual commercial buying and/or selling rate within a certain range. To illustrate, the T.T. rate for the U.S. dollar is between ¥ 361.80 and ¥ 358.20, which corresponds to 0.5 per cent. of the basic rate in either direction.

I have further the honour to request you to be good enough to take note of the above explanation.

Very truly yours,

For the Government:

Katsuo OKAZAKI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Japan
to the United Nations

Mr. Paul G. Hoffman
Managing Director
United Nations Special Fund
United Nations
New York 17, N.Y.

IV

Sir,

I have the honour to acknowledge the receipt of your letter of today, which reads as follows:

/See letter III/

It gives me pleasure to confirm the agreement of the Special Fund to the understanding contained in your communication quoted above.

Accept, Sir, the assurances of my highest consideration,

For the Special Fund:

Paul G. HOFFMAN
Managing Director
Special Fund

His Excellency
Mr. Katsuo Okazaki
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations
Permanent Mission of Japan to the United Nations
235 East 42nd Street, 25th Floor
New York 17, N.Y.

6. AGREEMENTS FOR THE PROVISION OF OPERATIONAL, EXECUTIVE AND ADMINISTRATIVE PERSONNEL: MODEL AGREEMENT.

Article II (3) and (4) and article IV (5) and (6)

/Not reproduced/[1]

(a) Agreements[2] between the United Nations and the Governments of Somalia, Greece, Nigeria, Cameroon, Niger, Western Samoa, Ecuador, Rwanda and the Ivory Coast for the provision of operational, executive and administrative personnel. Signed, respectively, at Mogadiscio on 20 January 1962, at Athens on 18 May 1962, at Lagos on 7 August 1962, at Yaoundé on 29 August 1962, at New York on 1 October 1962, at New York on 5 November 1962, at Quito on 26 November 1962, at Kigali on 28 November 1962, and at Abidjan on 10 December 1962.

These agreements contain articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement.

1/ See United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. I (ST/LEG/SER.B/10), p. 379-381.

2/ Came into force on the respective dates of signature.

(b) Agreement[1] between the United Nations and the Government of Burundi for the provision of operational, executive and administrative personnel. Signed at Usumbura, on 29 December 1962.

This agreement contains articles similar to articles II (3) and (4) and IV (5) and (6) of the model agreement, with the omission of sub-paragraph (f) in article IV (5).

7. AGREEMENT[2] BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN). SIGNED AT NEW YORK, ON 15 AUGUST 1962.

Privilege and immunities

Article XXVI

For the purposes of the present Agreement, Indonesia and the Netherlands will apply to United Nations property, funds, assets and officials the provisions of the Convention on the Privileges and Immunities of the United Nations. In particular, the United Nations Administrator, appointed pursuant to article IV, and the United Nations representative, appointed pursuant to article XVII, will enjoy the privileges and immunities specified in section 19 of the Convention on the Privileges and Immunities of the United Nations.

1/ Came into force on 29 December 1962.

2/ Came into force on 21 September 1962.

B. TREATY PROVISIONS AND INFORMATION CONCERNING THE LEGAL STATUS OF THE INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. CONVENTION[1] ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 21 NOVEMBER 1947.

(a) In 1962, the International Development Association (IDA) transmitted the final text of the relevant annex (Annex XIV) of the Convention on the Privileges and Immunities of the Specialized Agencies.[2] This text, which was received by the Secretary-General on 15 February 1962, is as follows:

Annex XIV

International Development Association

In its application to the International Development Association (hereinafter called "The Association") the Convention, including this annex, shall operate subject to the following provisions:

1. The following shall be substituted for section 4:

> "Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall,

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1/ United Nations, Treaty Series, vol. 33, p. 261.

2/ Under section 37, the Convention "becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency".

wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgement against the Association."

2. Section 32 of the standard clauses shall only apply to differences arising out of the interpretation or application of privileges and immunities which are derived by the Association from this Convention and are not included in those which it can claim under its Articles of Agreement or otherwise.

3. The provisions of the Convention (including this annex) do not modify or amend or require the modification or amendment of the Articles of Agreement of the Association or impair or limit any of the rights, immunities, privileges or exemptions conferred upon the Association or any of its members, governors, executive directors, alternates, officers or employees by the Articles of Agreement of the Association, or by any statute, law or regulation of any member of the Association or any political sub-division of any such member, or otherwise.

(b) In 1962, the following States acceded to the Convention, or if already Parties undertook by a subsequent notification to apply the provisions of the Convention, in respect of the specialized agencies indicated below:[1/]

1/ The Convention is in force with regard to each State which deposited an instrument of accession and in respect of specialized agencies indicated therein or in a subsequent notification as from the date of deposit of such instrument or receipt of such notification.

2/

State		Date of receipt of instrument of accession or notification 1/	Specialized Agencies
Austria	Notification	14 February 1962	FAO (Revised text of annex II)
	"	8 November 1962	IDA
Belgium	Accession	14 March 1962	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND; UPU, ITU, WMO, IMCO, IFC, IDA
Central African Republic	Accession	15 October 1962	WHO, ICAO, ILO, FAO, UNESCO, WMO
Denmark	Notification	3 August 1962	IDA
Federal Republic of Germany	Notification	12 January 1962	IMCO
	"	12 April 1962	IFC
Federation of Malaya	Notification	29 March 1962 d	WHO - Revised text of annex VII, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO
	"	23 November 1962	WHO - Third revised text of annex VII
Finland	Notification	16 November 1962	IDA
Guatemala	Notification	18 May 1962	IDA
Ivory Coast	Notification	4 June 1962	BANK, FUND, IFC, IDA
	"	26 September 1962	WMO
Pakistan	Notification 2/	13 March 1962	FAO, IMCO
	Notification 2/	17 July 1962	IFC, IDA
Sierra Leone	Notification	13 March 1962 d	WHO - Second revised text of annex VII, ICAO, ILO, FAO, UNESCO, UPU, ITU, WMO, IMCO
Sweden	Notification	11 April 1962	IDA

(Foot-notes following table)

/...

State		Date of receipt of instrument of accession or notification 1/	Specialized Agencies
Tanganyika	Accession	29 October 1962	WHO, ILO, FAO, UNESCO
Upper Volta	Accession	6 April 1962	WHO, ICAO, ILO, FAO, UNESCO, BANK, FUND, UPU, ITU, WMO, IMCO, IFC

By 31 December 1962, forty-two States were parties to the Convention.

1/ The symbol "d" immediately following the date appearing opposite the name of a State denotes a declaration by that State recognizing itself bound, as from the date of its independence, by the Convention, the application of which had been extended to its territory by a State then responsible for the conduct of its foreign relations. The date shown is the date of receipt by the Secretary-General of the notification to that effect.

2/ With the following declaration: "The enjoyment by Specialized Agencies of the communication privileges provided in article IV, section 11 of the Convention cannot, in practice, be determined by unilateral action of individual Governments and has in fact been determined by the International Telecommunication Convention, Atlantic City, 1947 and Telegraph and Telephone Regulations annexed thereto. Pakistan would, therefore, not be able to comply with the provisions of article IV, section 11 of the Convention in view of Resolution No. 28 (annexure I) passed at the Plenipotentiary Conference of the International Telecommunication Union, held in Buenos Aires in 1952."

2. INTERNATIONAL LABOUR ORGANISATION

(a) Agreement[1] between the Government of Peru and the International Labour Organisation concerning the privileges and immunities of a Field Office in Lima. Signed at Geneva, on 22 June 1960

The Government of the Republic of Peru, on the one hand, and the International Labour Organisation, on the other,

Considering that the International Labour Organisation has established a Field Office in Lima;

Desirous of concluding an Agreement to determine the privileges, immunities and exemptions which shall be granted by the Government of Peru to the International Labour Organisation, to the representatives of its Members and to its experts and officials, and anxious to resolve other related questions:

Have agreed as follows:

ARTICLE I

Definitions

Section 1

In this Agreement-

(a) the expression "Organisation" means the International Labour Organisation;

(b) for the purposes of article IV the expressions "property and assets", "funds, money, securities, gold and currency", "assets, income and other property", shall include property, assets and funds administered by the Organisation in conformity with its Constitution and in the exercise of its constitutional functions;

(c) the expression "representatives of Members" shall include all delegates to the International Labour Conference, all persons who are members or deputy members of the Governing Body or other conferences, committees or meetings convened by the Organisation, and generally all representatives, alternates, advisers, technical experts and secretaries of delegations;

1/ International Labour Office, Official Bulletin, vol. XLV, No. 3 (July 1962). Came into force on 1 March 1962. Translation by the ILO.

(d) the expression "Members" means the member States of the International Labour Organisation and any territory or group of territories which, without being a Member, is represented at the Conference or at other meetings convened by the Organisation and participates in their work in accordance with the Constitution of the Organisation;

(e) the expression "principal and subsidiary organs" means the International Labour Conference, the Governing Body, the International Labour Office and any subdivision of these organs established in Peru;

(f) for the purposes of sections 4, 6, 13, 14 and 15, the expressions "freedom of meeting" and "meetings of the Organisation" include all meetings of the principal and subsidiary organs of the Organisation and all conferences and meetings held in Peru and convened by the Organisation or on its authority or under its auspices.

ARTICLE II

Juridical Personality

Section 2

The Organisation shall possess juridical personality. It shall have the capacity-

(a) to contract;

(b) to acquire and dispose of immovable and movable property;

(c) to institute legal proceedings.

ARTICLE III

Freedom of Action

Section 3

The Organisation and its principal and subsidiary organs shall enjoy in Peru the independence and freedom of action appropriate for an international organisation.

Section 4

The Organisation and its principal and subsidiary organs, its Members and the representatives which these Members appoint in their relations with the Organisation, shall enjoy in Peru complete freedom to meet, deliberate and take decisions; the Government of Peru shall be informed in advance of any meeting which will be held in its territory.

ARTICLE IV

Property, Funds and Assets

Section 5

The Organisation, its property and assets located in Peru, by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity has been expressly waived by the Director-General of the Office. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6

1. The premises of the Organisation in Peru and any other premises which the Organisation may occupy in Peruvian territory for the purposes of a meeting convened by it shall be inviolable.

2. The premises and the property and assets of the Organisation, by whomsoever held, shall enjoy the privileges and immunities granted to the property of foreign States.

Section 7

The archives of the Organisation and in general all documents belonging to it or held by it shall be inviolable wherever located.

Section 8

1. Without being restricted by financial controls, regulations or moratoria of any kind, the Organisation may-

(a) receive and hold funds, moneys, gold, currencies and securities of any kind and operate accounts in any currency;

(b) freely transfer its funds, moneys, gold, currencies and securities to any place both inside and outside Peru, and convert any currency held by it into any other currency.

2. The provisions of this section shall also apply to the Members of the Organisation in their relations with the Organisation.

Section 9

In exercising its rights under section 8, the Organisation shall pay due regard to any representations made by the Government in so far as it is considered that effect can be given to such representations without detriment to the interests of the Organisation.

Section 10

The Organisation, its assets, income and other property shall be exempt from-

(a) all direct taxes; it is understood, however, that the Organisation will not claim exemption from taxes which are in fact no more than charges for public utility services;

(b) customs duties and prohibitions and restrictions on imports and exports of property and articles imported or exported by the Organisation for its official use; it is understood, however, that the property and articles imported under such exemption will not be sold in Peruvian territory except under conditions agreed with the Government of Peru;

(c) customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

ARTICLE V

Facilities in respect of Communications

Section 11

The Organisation shall enjoy in Peru for its official communications treatment not less favourable than that accorded by the Government of Peru to any other Government, including the latter's diplomatic mission, in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio, so long as such treatment is not incompatible with the provisions of any international Convention.

Section 12

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between Peru and the Organisation.

ARTICLE VI

Representatives of Members

Section 13

Representatives of Members at the principal or subsidiary organs of the Organisation and at conferences or meetings convened by it shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:

/...

(a) immunity from personal arrest and detention and from seizure of their personal baggage and, in respect of words spoken or written and of acts done by them in their official capacity, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Peru;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

Section 14

In order to secure for the representatives of Members at meetings convened by the Organisation complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in the discharge of their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 15

Where the incidence of any form of taxation depends upon residence in Peru, periods during which the representatives of Members are present in Peru for the discharge of their duties at meetings held by the Organisation in that country shall not be considered as periods of residence.

Section 16

The above-mentioned privileges and immunities are accorded to the representatives of Members not for their personal benefit but in order to safeguard the independent exercise of their functions in connexion with the Organisation.

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Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice and where it can be waived without prejudice to the purpose for which the immunity is granted.

ARTICLE VII

Experts on Mission for the Organisation

Section 17

Experts and advisers other than those falling with the terms of section 1 (c) and other than officials coming within the scope of articles VIII and IX respectively, who perform missions for the Organisation, shall be accorded while carrying out such missions and during the journeys in connection with such missions, the following privileges and immunities in so far as is necessary for the independent exercise of their functions:

(a) immunity from personal arrest or detention, from seizure of their personal baggage and immunity from legal process in respect of words spoken or written and acts done by them in the course of the performance of their mission; the last-mentioned immunity shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organisation;

(b) inviolability for all papers and documents;

(c) for the purpose of their communication with the Organisation, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and national service obligations in Peru;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions.

(f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 18

The aforementioned privileges and immunities are granted to the experts in the interests of the Organisation and not for their personal benefit. The Director-General of the International Labour Office shall have the right and the duty to waive the immunity of any expert in any case where in his opinion the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organisation.

ARTICLE VIII

Officials

Section 19

The Director-General of the International Labour Office shall communicate to the Government of Peru the names of the officials to which the provisions of this article and of article IX apply.

Section 20

1. The officials of the Organisation, without distinction of nationality, shall enjoy-

(a) immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) exemption from taxation on the salaries and emoluments paid to them by the Organisation.

2. In addition, officials who are not of Peruvian nationality shall enjoy-

(a) immunity, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;

(b) the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions established in Peru;

(c) in time of international crisis the same repatriation facilities, together with their spouses and relatives dependent on them, as officials of comparable rank of diplomatic missions;

/...

(d) the exemptions from customs duties provided for in Part X of Presidential Decree No. 69 of 15 February 1954 concerning the privileges granted by the Government of Peru; it is understood that the experts and officials of the Organisation shall enjoy the rights provided for in article 73 of that decree.

3. Officials of Peruvian nationality shall have the right to import free of duty their furniture and effects, including their motor vehicles, when they are transferred from a duty station outside Peru to a duty station in Peru.

Section 21

1. The officials of the Organisation shall be exempt from national service obligations in force in Peru; this exemption shall not apply to officials of Peruvian nationality.

2. If officials of the Organisation are called up for national service, the Government of Peru shall at the request of the Director-General of the International Labour Office grant such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 22

In addition to the immunities and privileges specified in sections 20 and 21, the Director-General, the Deputy Director-General and the Assistant Directors-General of the International Labour Office shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Section 23

Local Peruvian officials engaged by the Organisation to carry out duties for it shall be exclusively subject to the Staff Regulations of the Organisation.

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Section 24

Privileges and immunities are granted to officials in the interests of the Organisation only and not for their personal benefit. The Director-General of the International Labour Office shall have the right and duty to waive the immunity of any official in any case where in his opinion the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

Section 25

The Organisation shall co-operate at all times with the competent authorities of the Government of Peru to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connexion with the privileges, immunities and facilities mentioned in this article.

ARTICLE IX

Visas, Residence Permits and United Nations "Laissez-passer"

Section 26

1. The Government of Peru shall take all necessary measures to facilitate the entry into, residence in and departure from the country of all persons having official business with the Organisation, that is to say-

(a) representatives of Members, whatever may be the relations between Peru and the said Members;

(b) experts and advisers carrying out missions for the Organisation, whatever their nationality;

(c) officials of the Organisation;

(d) other persons, irrespective of nationality, summoned by the Organisation.

2. Any police regulations tending to restrict the entry of foreigners into Peru or to regulate the conditions of their residence shall not apply to the persons covered by this section.

3. The Government of Peru will give advance general instructions to its embassies, legations and consulates abroad that, without any delay and without

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requiring the presence of the persons concerned or the payment of any taxes, they should grant visas to any persons requesting them who submit a valid identity and travel document and a certificate indicating that they have official business with the Organisation.

4. The provisions of this section shall also apply to any spouse and to relatives dependent on the persons concerned, if they live with them and do not exercise any independent profession or activity.

Section 27

The Government of Peru recognises and accepts the United Nations laissez-passer issued to officials of the Organisation as valid travel documents.

Section 28

The Director-General, the Deputy Director-General, the Assistant Directors-General and the Director of the Field Office who visit the country on official mission shall enjoy the same facilities for travel as are accorded to the heads of diplomatic missions.

ARTICLE X

Final Provisions

Section 29

This Agreement shall enter into force as soon as the Government of Peru has communicated to the Director-General of the International Labour Office the ratification thereof in conformity with constitutional practice.

Section 30

This Agreement may be revised at the instance of either of the parties. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding

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within one year, the Agreement may be denounced by either party giving two years' notice. Denunciation may be notified to the Government of Peru in the person of its representative to the Organisation, and to the Organisation in the person of the Director-General of the International Labour Office.

In witness whereof the undersigned duly authorised for this purpose have signed three copies of the present Agreement in Geneva on the twenty-second day of June 1960.

For the Government of the Republic of Peru:

(Signed) Luis ALVARADO G.,
Minister of Labour and Indigenous Affairs.

For the International Labour Organisation:

(Signed) David A. MORSE,
Director-General.

(b) Agreement[1] between the International Labour Organisation and the Government of Tanganyika concerning the Establishment of an East African Field Office in Dar es Salaam. Signed at Geneva, on 2 March 1962, and at Dar es Salaam, on 3 May 1962.

Article III

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

(c) Agreement[2] between the Government of Ceylon and the International Labour Organisation concerning the Establishment of the Asian Field Office of the Organisation in Colombo. Signed at Colombo, on 21 November 1962.

Article 3

The Government shall grant to the Field Office and to its staff the privileges and immunities provided for in the Convention on the Privileges and Immunities of the Specialized Agencies.

Article 4

The Government will facilitate the entry into, sojourn in and departure from Ceylon of persons invited to the Field Office on official business.

1/ International Labour Office, Official Bulletin, vol. XLV, No. 3 (July 1962). Came into force on 3 May 1962.

2/ International Labour Office, Official Bulletin, vol. XLVI, No. 1 (January 1963). Came into force on 21 November 1962.

3. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(a) Agreement between UNESCO and the Government of India regarding the setting up of a "Regional Centre for the Training of Educational Planners, Administrators and Supervisors in Asia". Signed at New Delhi, on 13 February 1962.

III. Obligations of the Government

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8. Any officer or employee of the Centre who may be a UNESCO staff member shall enjoy the privileges and immunities set forth in the Convention on the Privileges and Immunities of the Specialized Agencies, to which India is a party. The Government shall authorize the entry into Indian territory, free of visa charges and other restrictions, and permit the residence there, of all persons who are to attend training courses and any other person invited to attend sessions of the Symposium, the Steering Committee or meetings and seminars organized by the Centre.

9. The Government shall be responsible for dealing with any claims which may be brought by third parties against UNESCO, against its personnel, or against other persons performing services under this agreement and arising from action performed in the discharge of their official duties relating to the Centre, and shall hold UNESCO and the above-named persons harmless in case of any claims or liabilities resulting from such operations, except where it is agreed by the Government and UNESCO that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

10. Except as otherwise provided herein, neither the Government nor the Centre nor any of the Centre's staff or trainees shall be considered an agent or staff member of UNESCO; nor shall any of them be entitled to any privileges, immunities compensation or reimbursements from UNESCO not set forth above nor shall any of them be authorized to commit UNESCO to any expenditure or other obligations.

(b) Agreement between UNESCO and the Government of Indonesia regarding the setting up of an "Asian Regional Institute for School Building Research". Signed on 23 February and 14 March 1962.

This agreement contains provisions (section III, paragraphs 9, 10 and 11) similar in substance to those cited under (a) above.

(c) Agreement between UNESCO and the Government of the Philippines regarding the setting up of a "Regional Centre for the Training of Teacher Educators in Asia". Signed on 28 March 1962.

This agreement contains provisions (section III, paragraphs 7,8 and 9) similar to those cited under (a) above.

(d) Agreement between UNESCO and the Government of Thailand concerning the establishment of a "UNESCO Regional Centre for Educational Information and Studies in Asia". Signed on 25 April 1962.

3. With respect to the privileges and immunities of the Centre and its staff, the Government agrees to apply mutatis mutandis the provision of articles 2 and 3 of the Agreement[1/] regarding the Asia Regional Office.

1/ United Nations, Treaty Series, vol. 410, p. 125.

4. WORLD HEALTH ORGANIZATION

(a) Basic Agreement[1] between the World Health Organization and the Government of Somalia for the provision of technical advisory assistance. Signed at Alexandria, on 17 August 1961, and at Mogadiscio, on 10 January 1962.

Article I

Furnishing of Technical Advisory Assistance

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6. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organization and its advisers, agents and employees and shall hold harmless the Organization and its advisers, agents and employees in case of any claims or liabilities resulting from operations under this Agreement, except where it is agreed by the Government and the Organization that such claims or liabilities arise from the gross negligence or wilful misconduct of such advisers, agents or employees.

Article V

Facilities, Privileges and Immunities

1. The Government, in so far as it is not already bound to do so, shall apply to the Organization, its staff, funds, properties and assets the appropriate provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. Staff of the Organization, including advisers engaged by it as members of the staff assigned to carry out the purposes of this Agreement, shall be deemed to be officials within the meaning of the above Convention. This Convention shall also apply to any WHO representative appointed to Somalia who shall be afforded the treatment provided for under Section 21 of the said Convention.

1/ Came into force on 10 January 1962.

(b) Basic Agreements[1] between the World Health Organization and the Governments of Ethiopia, the Sudan, Nigeria, Libya, Senegal and Western Samoa for the provision of technical advisory assistance. Signed respectively at Alexandria on 17 November 1961 and Addis Ababa on 11 January 1962, at Alexandria on 2 January 1962 and Khartoum on 11 March 1962, at Brazzaville on 15 February 1962 and Lagos on 27 March 1962, at Alexandria on 2 January 1962 and Beda on 16 June 1962, at Brazzaville on 19 June 1962 and Dakar on 6 August 1962, and at Manila on 29 June 1962 and Apia on 14 August 1962.

These agreements contain articles similar to articles I (6) and V cited under (a) above.

(c) Basic Agreements[2] between the World Health Organization and the Governments of Sierra Leone and Cameroon for the provision of technical advisory assistance. Signed respectively at Brazzaville on 9 April 1962 and Freetown on 19 June 1962, and at Brazzaville on 5 November 1962 and Yaoundé on 8 December 1962.

These agreements contain articles similar to articles I (6) and V cited under (a) above, with the omission of the second sentence in article V (2).

(d) Exchange of notes constituting an agreement[3] between the World Health Organization and the Government of Saudi Arabia relating to the holding of the Twelfth Session of Sub-Committee A of the Regional Committee for the Eastern Mediterranean in Riyad in 1962. Alexandria, 8 June 1962, and Riyad, 24 June 1962.

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AF 6/15 8 June 1962

Sir,

I have the honour to refer to correspondence resting with your letter 5130/W dated 27 April 1962 in regard to the holding of the Twelfth Session of the Regional Committee for the Eastern Mediterranean in Riyad in October 1962.

1/ Came into force, respectively, on 11 January 1962, 11 March 1962, 27 March 1962, 16 June 1962, 6 August 1962 and 14 August 1962.

2/ Came into force, respectively, on 19 June 1962 and 8 December 1962.

3/ Came into force on 24 June 1962.

In the absence of your Government's accession to the Convention on the Privileges and Immunities of the Specialized Agencies and to Annex VII thereof, it is considered that the Organization would more easily discharge its duties in connexion with this Session of the Regional Committee if you could kindly agree to the status which your Government will apply to WHO, their staff and to those invited by the Organization to participate in this Session.

I feel that the simplest way to achieve this purpose would be that the Government undertake to apply, on this occasion, both to the Organization and to all concerned, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies. It is understood that the Government will be notified of the names of those who will be granted such privileges and immunities.

If this suggestion is agreeable to you, I would propose that your Government kindly confirm this agreement along the lines of the draft reply[1] herewith attached, and that this exchange of correspondence be held as an agreement between us for this purpose.

I have the honour to be,

Sir,

Your obedient Servant,

A.M. Taba, M.D.
Regional Director

H.E. The Minister of Public Health
Ministry of Public Health
Riyad

1/ Not reproduced.

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II

/Translation/

Kingdom of Saudi Arabia
Ministry of Health
Bureau of the Minister

Ref. No. 377/W Date: 24/6/1962 (21/1/82 H)

Greetings,

I have the honour to acknowledge receipt of your letter No. AF.6/15 of 8 June 1962 in respect of the status of the World Health Organization, its personnel and guests to be recognized by the Kingdom of Saudi Arabia on the occasion of the XIIth meeting of the Regional Committee for the Eastern Mediterranean which shall be held in Riyad.

I am glad to confirm that the Government of Saudi Arabia deems it possible, for the purpose of the above meeting, to apply the provisions of the Specialized Agencies Convention on Privileges and Immunities to WHO and to whomever is concerned on a temporary basis for the duration of the XIIth meeting of the Regional Committee. I wish to confirm further that your letter No. AF 6/15 of 8 June 1962 and my reply thereto constitute our agreement in this respect. I have also noted that my Government shall receive a list of the names of persons who shall be granted the above privileges and immunities on the occasion of the XIIth meeting of the Regional Committee.

Yours respectfully,

Minister of Health

The Regional Director,
EMRO, Alexandria

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(e) Exchange of notes constituting an arrangement[1/] between the World Health Organization and the Government of Poland relating to the holding of the Twelfth Session of the Regional Committee for Europe in Warsaw in 1962. Geneva, 11 and 16 August 1962.

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THE PERMANENT MISSION OF THE POLISH PEOPLE'S REPUBLIC TO THE EUROPEAN OFFICE OF THE UNITED NATIONS

No. 45303/15/62

Geneva, 11 August 1962

The Permanent Mission of the Polish People's Republic to the European Office of the United Nations presents its compliments to the World Health Organization and has the honour to present the following communication.

After exchanges of views on an arrangement between the Government of the Polish People's Republic and the World Health Organization for the purpose of securing for the European Regional Office of the World Health Organization the privileges, immunities and facilities indispensable for its functioning in Polish territory during the twelfth session in Warsaw in 1962, the Permanent Mission of the Polish People's Republic has the honour to enclose herewith an annex indicating the privileges, immunities and facilities which its Government is prepared to grant in its territory to the World Health Organization, the representatives of the Member States, and its experts and officials.

If the provisions of that annex meet with the agreement of the World Health Organization, the Permanent Mission will propose that the present note with its annex and the World Health Organization's reply be deemed to constitute the Arrangements between the Government of the Polish People's Republic and the World Health Organization concerning the privileges, immunities and facilities which the World Health Organization, the representatives of the Member States and its experts and officials shall enjoy.

1/ Came into force on 11 August 1962. Translation from French by the Secretariat of the United Nations.

It is understood that this Arrangement will become operative on 11 August 1962 and will cease to have effect thirty days after the end of the Warsaw session of the Regional Committee for Europe of the World Health Organization.

The Permanent Mission of the Polish People's Republic takes this opportunity of reassuring the World Health Organization of its deepest respect.

Annex

Facilities, Privileges and Immunities accorded by the Government of the Polish People's Republic to the Regional Committee for Europe of the World Health Organization for the duration of the twelfth session to be held in Warsaw in 1962

Article 1

The Government of the Polish People's Republic acknowledges that the World Health Organization possesses in Poland juridical personality and the legal capacity necessary for the achievement of its aims and the performance of its functions. The World Health Organization is entitled:

(a) to contract;

(b) to acquire and dispose of property; and

(c) to institute legal proceedings.

Article 2

The Government of the Polish People's Republic recognizes the immunity of the World Health Organization from jurisdiction. No legal process may be instituted against it except in so far as in any particular case it has expressly waived its immunity, or if waiver of its immunity results from a clause of a contract; provided that no waiver of immunity shall extend to any measure of execution.

Article 3

The Government of the Polish People's Republic acknowledges the inviolability of all premises occupied by the World Health Organization for the purposes of its Assemblies and of any other meeting covered by it in Poland.

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All the archives of the World Health Organization and all documents belonging to it or held by it shall also be inviolable.

Article 4

The World Health Organization may receive, hold funds, and dispose freely of currency and transferable securities of any kind, subject to compliance with the law of Poland governing monetary exchange.

Article 5

The World Health Organization shall be exempt from all taxes, on the understanding that it will not claim exemption from taxes which are charges for public utility services.

Article 6

The World Health Organization shall be completely exempt from customs duties on all goods for its official use.

It is understood, however, that articles imported under such exemption will not be sold on Polish territory except under conditions agreed to with the Polish authorities.

Importation and exportation of the publications of the World Health Organization shall not be subject to any restriction.

Article 7

The World Health Organization shall enjoy for its official postal, telegraphic and telephone communications treatment not less favourable than that accorded to diplomatic missions in Poland.

The World Health Organization shall have the right to use codes, to despatch and receive correspondence by courier, and to make use of diplomatic bags.

Article 8

The Government of the Polish People's Republic shall, on receipt of an application for a visa, take all measures required to facilitate the entry into,

residence in, and departure from Polish territory of all persons required in an official capacity to attend meetings of the European Regional Office of the World Health Organization that is to say:

(a) representatives of Member States, irrespective of the relations existing between Poland and those States;

(b) members of the Executive Council of the World Health Organization, irrespective of their nationality;

(c) agents, officials and experts of the World Health Organization;

(d) persons, irrespective of their nationality, summoned by the World Health Organization.

Article 9

Representatives of States members of the World Health Organization at meetings convened by it shall, while exercising their functions and during their stay in Poland, enjoy the following immunities, privileges and facilities:

(a) immunity from arrest or detention and from seizure of their personal baggage and, in respect of acts done by them in their official capacity (including speech and writing), immunity from all jurisdiction;

(b) inviolability for all papers and documents;

(c) the same facilities in respect of currency and exchange restrictions as those granted by the law of Poland to members of the staff of diplomatic missions accredited in Poland;

(d) the same customs facilities in respect of personal baggage as those granted by the law of Poland to members of the staff of comparable rank of diplomatic missions accredited in Poland.

Article 10

The Director General of the World Health Organization and his deputies, and the Director of the European Regional Office and his deputy, shall while exercising their functions and during their stay in Poland enjoy the immunities, privileges and facilities granted to members of diplomatic missions accredited in Poland.

Article 11

Officials and experts of the World Health Organization shall enjoy the following immunities, privileges and facilities:

(a) exemption from legal process in respect of acts performed in the exercise of their functions, including speech and writing;

(b) exemption from all taxes on the salary and emoluments paid to them by the World Health Organization;

(c) the same facilities in respect of exchange as those granted by the law of Poland to members of the staff of diplomatic missions accredited in Poland;

(d) the right to import and export free of duty a reasonable quanity of goods for their personal use during their travel and their stay in Poland.

Article 12

The immunities, privileges and facilities prescribed by the present Arrangement shall be granted to officials of the World Health Organization solely in the interests of the Organization and not for their personal benefit.

The World Health Organization shall be under a duty and have the right to waive the immunity of an official in any case where in its opinion the immunity would impede the ordinary course of justice and where the same can be waived without prejudice to the vital interests of the World Health Organization.

The World Health Organization shall co-operate at all times with the Polish authorities to prevent any abuse of the immunities, privileges and facilities prescribed by the present Arrangement.

II

The World Health Organization presents its compliments to the Permanent Mission of the People's Republic of Poland to the European Office of the United Nations, and has the honour to acknowledge receipt of the note and attached documents by the Mission dispatched to it on 11 August 1962.

The World Health Organization has noted the facilities, privileges and immunities which the Government of the People's Republic of Poland is prepared to grant to the European Regional Committee for the duration of the twelfth session

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to be held at Warsaw in 1962. It hereby accepts the provisions set out in the document attached to the note aforesaid, and, as proposed by the Permanent Mission of the Polish People's Republic, agrees that the note from the Permanent Mission, the annex thereto and the present reply shall constitute the Arrangement between the Government of the People's Republic of Poland and the World Health Organization concerning the facilities, privileges and immunities to be enjoyed by the representatives of member States, experts and officials of the Organization during the twelfth session of the Regional Committee. It is understood that the said Arrangement will enter into force on 11 August 1962 and will cease to have effect thirty days after the end of the Warsaw session of the European Regional Committee.

The World Health Organization takes this opportunity of assuring the Permanent Mission of the People's Republic of Poland of its deepest respect.

Geneva, 16 August 1962.

5. INTERNATIONAL ATOMIC ENERGY AGENCY

(a) Agreement[1] on the privileges and immunities of the International Atomic Energy Agency. Approved by the Board of Governors of the Agency on 1 July 1959

The following States accepted the Agreement on the privileges and immunities of the International Atomic Energy Agency in 1962:[2]

State	Date of deposit of instrument of acceptance
Republic of Korea[3]	17 January 1962
Denmark[4]	14 March 1962
Thailand[5]	15 May 1962
Philippines	17 December 1962

This brought up to 12 the number of States parties to the Agreement.

1/ United Nations, Treaty Series, vol. 374, p. 147.

2/ The Agreement comes into force as between the Agency and the accepting States on the date of deposit of instruments of acceptance.

3/ With the following reservation: "Locally recruited personnel who are considered as officials of the Agency under the Agreement shall not enjoy the privileges and immunities set forth in paragraphs (ii), (iii), (iv), (v) and (vi) of Section 18, and Section 19." (Translation)

4/ With the following reservation: "Notwithstanding Sections 20 and 32, the Danish Government reserve the right to apply the Danish legislation concerning duties and excise-taxes to Danish citizens, and to other persons in so far as they conduct private business in Denmark."

5/ With the following reservation: "... the Government of Thailand hereby accept the said Agreement with the reservation that the officials of the Agency to be accorded privileges and immunities according to this Agreement who are of Thai nationality shall not be immune from national service obligation."

(b) Agreement[1] between the International Atomic Energy Agency and the Government of Pakistan for assistance by the Agency to Pakistan in establishing a research reactor project. Signed at Vienna, on 5 March 1962

Article VII

Agency Inspectors

Section 9. The provisions concerning Agency inspectors will be those set out in Agency document GC(V)/INF/39, annex. Pakistan shall apply the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency to the Agency inspectors and to any property of the Agency used by them in performing their functions.

1/ Came into force on 5 March 1962.

PART TWO

LEGAL ACTIVITIES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

CHAPTER III

SELECTED DECISIONS, RECOMMENDATIONS AND REPORTS OF A LEGAL CHARACTER BY THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. UNITED NATIONS GENERAL ASSEMBLY - SEVENTEENTH SESSION

1. THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (AGENDA ITEM 25)

Resolution adopted by the General Assembly[1]

(Excerpts)

1810 (XVII). THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COICNIAL COUNTRIES AND PEOPIES

The General Assembly,

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3. Solemnly reiterates and reaffirms the objectives and principles enshrined both in the Declaration contained in resolution 1514 (XV) and in resolution 1654 (XVI);

4. Deplores the refusal of certain administering Powers to co-operate in the implementation of the Declaration in territories under their administration;

5. Calls upon the administering Powers concerned to cease forthwith all armed action and repressive measures directed against peoples who have not yet attained independence, particularly against the political activities of their rightful leaders;

6. Urges all administering Powers to take immediate steps in order that all colonial territories and peoples may accede to independence without delay in accordance with the provisions of paragraph 5 of the Declaration;

.....

1195th plenary meeting,
17 December 1962.

1/ On the item as a whole.

2. PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES (AGENDA ITEM 39)

Resolution adopted by the General Assembly

1803 (XVII). PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

The General Assembly,

Recalling its resolutions 523 (VI) of 12 January 1952 and 626 (VII) of 21 December 1952,

Bearing in mind its resolution 1314 (XIII) of 12 December 1958, by which it established the Commission on Permanent Sovereignty over Natural Resources and instructed it to conduct a full survey of the status of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening and decided further that, in the conduct of the full survey of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, due regard should be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of developing countries,

Bearing in mind its resolution 1515 (XV) of 15 December 1960, in which it recommended that the sovereign right of every State to dispose of its wealth and its natural resources should be respected,

Considering that any measure in this respect must be based on the recognition of the inalienable right of all States freely to dispose of their natural wealth and resources in accordance with their national interests, and on respect for the economic independence of States,

Considering that nothing in paragraph 4 below in any way prejudices the position of any Member State on any aspect of the question of the rights and obligations of successor States and Governments in respect of property acquired before the accession to complete sovereignty of countries formerly under colonial rule,

Noting that the subject of succession of States and Governments is being examined as a matter of priority by the International Law Commission,

Considering that it is desirable to promote international co-operation for the economic development of developing countries, and that economic and financial agreements between the developed and the developing countries must be based on the principles of equality and of the right of peoples and nations to self-determination,

Considering that the provision of economic and technical assistance, loans and increased foreign investment must not be subject to conditions which conflict with the interests of the recipient State,

Considering the benefits to be derived from exchanges of technical and scientific information likely to promote the development and use of such resources and wealth, and the important part which the United Nations and other international organizations are called upon to play in that connexion,

Attaching particular importance to the question of promoting the economic development of developing countries and securing their economic independence,

Noting that the creation and strengthening of the inalienable sovereignty of States over their natural wealth and resources reinforces their economic independence,

Desiring that there should be further consideration by the United Nations of the subject of permanent sovereignty over natural resources in the spirit of international co-operation in the field of economic development, particularly that of the developing countries,

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Declares that:

1. The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.

2. The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities.

3. In cases where authorization is granted, the capital imported and the earnings on that capital shall be governed by the terms thereof, by the national legislation in force, and by international law. The profits derived must be shared in the proportions freely agreed upon, in each case, between the investors and the recipient State, due care being taken to ensure that there is no impairment for any reason, of that State's sovereignty over its natural wealth and resources.

4. Nationalization, expropriation or requisitioning shall be based on grounds or reasons of public utility, security or the national interest which are recognized as overriding purely individual or private interests, both domestic and foreign. In such cases the owner shall be paid appropriate compensation, in accordance with the rules in force in the State taking such measures in the exercise of its sovereignty and in accordance with international law. In any case where the question of compensation gives rise to a controversy, the national jurisdiction of the State taking such measures shall be exhausted. However, upon agreement by sovereign States and other parties concerned, settlement of the dispute should be made through arbitration or international adjudication.

5. The free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be furthered by the mutual respect of States based on their sovereign equality.

6. International co-operation for the economic development of developing countries, whether in the form of public or private capital investments, exchange of goods and services, technical assistance, or exchange of scientific information, shall be such as to further their independent national development and shall be based upon respect for their sovereignty over their natural wealth and resources.

7. Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace.

8. Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith; States and international organizations shall strictly and conscientiously respect the sovereignty of

peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in the present resolution.

II

Welcomes the decision of the International Law Commission to speed up its work on the codification of the topic of responsibility of States for the consideration of the General Assembly;[1/]

III

Requests the Secretary-General to continue the study of the various aspects of permanent sovereignty over natural resources, taking into account the desire of Member States to ensure the protection of their sovereign rights while encouraging international co-operation in the field of economic development and to report to the Economic and Social Council and to the General Assembly, if possible at its eighteenth session.

1194th plenary meeting,
14 December 1962.

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3. CONSULAR RELATIONS (AGENDA ITEM 74)

(a) Report of the Sixth Committee[1]

/Original text: Spanish/
/12 December 1962/

INTRODUCTION

1. The General Assembly, at its 1129th plenary meeting on 24 September 1962, placed on the agenda of its seventeenth session an item entitled "Consular relations" and decided to allocate it to the Sixth Committee.

2. The Sixth Committee examined this agenda item at its 771st to 775th meetings, from 3 to 6 December 1962.

3. The item entitled "Consular relations" had been included in the provisional agenda of the seventeenth session under paragraph 11 of General Assembly resolution 1685 (XVI), dated 18 December 1961, concerning the convening of an international conference of plenipotentiaries on consular relations at Vienna at the beginning of March 1963. The decision to include the item was taken "to allow further expressions and exchanges of views concerning the draft articles on consular relations" which were set forth in chapter II of the report of the International Law Commission covering the work of its thirteenth session[2] and which were referred to the future conference of plenipotentiaries at Vienna as the basis for its work.

4. The General Assembly also requested Member States, in paragraph 2 of the aforesaid resolution, "to submit to the Secretary-General written comments concerning the draft articles" on consular relations prepared by the International Law Commission "by 1 July 1962, in order that they may be circulated to Governments prior to the beginning of the seventeenth session of the General Assembly". The Secretary-General, in a note verbale of 21 February 1962, asked Governments for their written comments. The Governments of twenty-two Member States and the

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1/ Document A/5343, reproduced from Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 74.

2/ Official Records of the General Assembly, Sixteenth Session, Supplement No. 9, paras. 8-37.

Government of one non-member State invited to participate in the future Vienna conference sent in such written comments, which appear in documents A/5171 and Add.1 and 2.

5. The Secretary-General submitted a note (A/5191) reviewing the background of the item entitled "Consular relations".

PROPOSAL

6. The United Kingdom submitted a draft resolution (A/C.6/L.515) under which the General Assembly would, first, request the Secretary-General to transmit to the conference on consular relations the summary records and documentation relating to the considertation of this item at the seventeenth session; and secondly, invite States which intended to participate in the conferenee to submit to the Secretary-General as soon as possible, and in any event not later than 10 February 1963, for circulation to Governments any amendments which they might wish to propose in advance of the conference to the draft articles prepared by the International Law Commission.

DISCUSSION

(a) Draft articles on consular relations prepared by the International Law Commission and referred to the Vienna Conference of 1963

7. The representatives who spoke in the discussion of this item congratulated the International Law Commission on its work on consular relations and said that it would be desirable and useful to codify the rules of international law which were applicable or capable of application in that connexion.

8. It was also stated that the conclusion of a general multilateral convention on a subject in which international custom had not so far presented the characteristics of uniformity and generality observable in other cases - such as that of diplomatic relations - would be a great step forward in the codification and progressive development of international law and would at the same time strengthen friendly relations among States and peoples in political, commercial, economic, cultural and scientific matters, irrespective of their differing constitutional and social systems.

9. Most of the representatives who took part in the discussion referred to the observations made by their delegations at the General Assembly's sixteenth session on the draft articles prepared by the International Law Commission, and to the comments on the draft articles sent in by Governments in reply to the Secretary-General's note verbale (see para. 4 above). A number of representatives, however, without prejudice to their Government's position at the future Vienna conference, advanced new or additional general considerations with regard to the principles on which the draft articles were or should be based and to specific provisions thereof.

10. These representatives considered the draft articles as a whole to be an excellent basis of work for the conference to be held at Vienna at the beginning of March 1963. Many of them expressed, at the same time approval of the basic principles embodied in the draft articles. It was emphasized that the draft articles formed a balanced whole which would unquestionably be of great assistance to the future conference in adopting a general multilateral convention on consular relations which would satisfy all or most of the interests there represented.

11. Several representatives said that the draft articles reflected, in broad outline, the modern development of international law on the subject. Some expressed satisfaction that the Commission had based its work on the principle of respect and mutual consent in consular relations, thus eliminating all traces of the system of capitulations which was historically bound up with consulates in certain parts of the world. It was also noted with approval that the draft articles sought to place consular relations on a footing of equality, taking into account the interests of all States, large and small, and were based on the latest bilateral conventions and practice.

12. Other aspects of the draft articles, in particular those concerning consular privileges and immunities were more controversial. Some representatives laid stress on the similarities between consular and diplomatic relations. Others, on the contrary, pointed out that such similarities did not mean that the two kinds of functions were identical, for whereas persons exercising diplomatic functions were in essence political representatives, those exercising consular functions were really economic and commercial representatives. The Committee members holding the latter view did not think that consular representatives should be accorded the

same treatment as diplomatic representatives, and they stressed that the future convention should clearly indicate the basic distinction between consular and diplomatic functions. They also considered that this distinction was the real source of the difference in legal status as between consular and diplomatic representatives, since in modern international law the legal status of both was ultimately justified by the need to safeguard and protect in an effective manner the exercise of their respective functions and the respect to which the dignity of their office entitled them, and not, as in the past, by the more or less representative character of diplomatic and consular functions or by the legal fiction of the extraterritoriality of embassies and consulates. The view was also expressed that an excessive broadening of consular privileges and immunities, which were not justified by the requirements of the consular function, was prejudicial to the interests of the smaller countries, particularly those which had just constituted themselves into independent States.

13. It was pointed out in this connexion that one of the most difficult problems which the future Vienna conference would have to solve was precisely the problem of the present or eventual duality of diplomatic and consular status vesting in the same person as a result of the introduction of a single diplomatic and consular service in most States and the exercise by the members of that service of diplomatic or consular functions on the sole basis of the post to which they were assigned. Difficulties were apt to arise in practice in the determination of the privileges and immunities which apply to or may be claimed by such persons.

14. Some representatives stated that the future Vienna conference should also devote considerable attention to the nature of the rules applicable to consular relations. A reasonable balance must be struck between, on the one hand, the existing rules of international law, whether derived from customary law or based on conventions, and, on the other hand, the relevant internal regulations. Every provision embodied in the future general multilateral convention will have to reflect this balance so that the changes in the domestic regulations which the conclusion of such a convention may necessitate can be accepted without opposition by the public and the parliaments of the States which might become parties to the convention.

15. The views expressed during the discussion which related to specific provisions of the draft articles were considered mainly with the articles governing "consular relations in general" and "facilities, privileges and immunities of consular officials and employees".

16. Among those articles concerning "consular relations in general" which were referred to in the discussion, article 5, dealing with consular functions, was the principal object of attention on the part of the representatives who spoke. While some speakers favoured a non-exhaustive enumeration of consular functions in accordance with the procedure followed in the draft articles, others expressed a preference for a general definition of those functions. With regard to the question which functions should be expressly mentioned in article 5 of the draft articles, some representatives thought that the function of furthering the development of relations between the sending State and the receiving State should be included, for they felt that consular functions in the world of today were no longer limited to the traditional one of protecting in the receiving State the interests of the sending State and of its nationals. The view was also expressed that the functions enumerated in article 5 should include the function of arbitrator or conciliator ad hoc in any disputes which nationals of the sending State submitted to a consul, provided that this was not incompatible with the laws and regulations of the receiving State. Other representatives stated that a distinction should be made between the functions proper to a consul and other functions, with a view to including in the future convention an express provision that the latter functions would be subject to the laws and regulations of the receiving State. Some representatives similarly believed that those aspects of a consul's or consular official's functions which required him to act as notary or civil registrar should be subordinated to the legislation or agreement of the receiving State. Lastly, it was emphasized that the question of defining consular functions was difficult and complex and that, in consequence, may attempt to deal with that question in summary fashion at an international conference which would necessarily be pressed for time would do more harm than good.

17. The question was also raised of the consequences with regard to recognition where one of the most important consular functions, namely, the protection in the receiving State of the nationals of the sending State, was being exercised,

but where there had been no previous recognition. The question, in other words, is whether the exercise of this function, or the granting of authorization for its exercise, does or does not imply that the State exercising the function recognizes the authorities of the territory in which the function is being exercised and vice versa.

18. The other articles dealing with "consular relations in general" were the subject of only isolated comments by a few representatives. The topics thus commented upon were the status of the head of a consular post (articles 8, 14, 17 and 18), the classes of heads of consular posts (article 9), the exequatur (article 11) and its withdrawal (article 23), the temporary exercise of the functions of head of a consular post (article 15), notification of the order of precedence as between the officials of a consulate (article 21), the appointment of nationals of the receiving State (article 22) and the right to leave the territory of the receiving State (article 26).

19. Thus it was considered desirable that the classes of heads of consular posts should be enumerated, but some concern was expressed at the apparent tendency of the draft articles to give to the head of a consular post a position comparable to that of the head of a diplomatic mission. It was indicated that the question of the admission of consular agents or agencies should be regulated by means of bilateral conventions. It was considered that the text of the convention should state explicitly that granting of the exequatur could be refused by the receiving State and that the latter was not obliged to give reasons either for its refusal to grant the exequatur or for the latter's subsequent withdrawal, in accordance with the provisions, mutatis mutandis, of the Vienna Convention on Diplomatic Relations. With regard to the temporary exercise of the functions of head of a consular post by an acting head, it was represented, on the one hand, that the draft seemed unduly restrictive in the choice of the persons who might exercise those functions temporarily and, on the other hand, that it would be necessary to add, in the case of the choice falling upon a member of the administrative or technical staff, that the consent of the receiving State would be required and that the person in question would enjoy only the prerogatives essential to the exercise of those functions. It was also stated that the necessary communication of the name of the acting head, or communication of the order of precedence as

between the officials of a consulate, should be made through the diplomatic mission to which the head of the consular post in question was subordinate. Furthermore, the wording of the article concerning the appointment of nationals of the receiving State was regarded as unnecessarily restrictive, since that State could refuse to grant the exequatur for reasons of nationality. Finally, with regard to the end of consular functions, it was stated that the right of members of the family to leave the territory of the receiving State should be subject to the provisions of the laws of the receiving State, since such members of the family might be nationals of that State, although the persons enjoying the consular privileges and immunities involved, on whom they were dependent, might not be nationals thereof.

20. The provisions of the draft articles concerning the "facilities, privileges and immunities of consular officials and employees" which were mentioned by some representatives during the discussion were those dealing with inviolability of the consular premises (article 30), freedom of communication (article 35), communication and contact with nationals of the sending State (article 36), obligations of the receiving State (article 37), personal inviolability of consular officials (article 41), immunity from jurisdiction (article 43), the exemption from obligations in the matter of registration of aliens and residence and work permits of career consular officials (article 46) and honorary consular officials (article 62), the exemption from taxation of career consular officials (article 48) and honorary consular officials (article 63), the exemption, from customs duties of career consular officials (article 49) and honorary consular officials (article 63), acquisition of the nationality of the receiving State (article 52), and inviolability of the consular archives and documents of a consulate headed by an honorary consul (article 60). Almost all who spoke on these articles advocated limiting their content or making their meaning clearer.

21. In the matter of the "facilities, privileges and immunities relating to a consulate", the provision for the inviolability of the consular premises was regarded, by some, as unduly liberal. Others considered that it provided for a right essential to the exercise of consular functions. It was added, however, that for reasons connected with security, fire or force majeure the agents of the receiving State should be authorized to enter the consular premises. It was

considered that inviolability of the consultate's official correspondence should not apply to correspondence found in possession of nationals of the receiving State or of any other private individual. The protection extended by the draft articles to the consular bag was thought to be excessive. The right of nationals of the sending State to communicate with the consular officials of their country was stressed as essential to the exercise of consular functions, and it was represented that the right should be strengthened even more in the wording of the relevant provisions. On the other hand, it was thought that an exception should be made in the case in which the national himself clearly indicated that he did not desire to communicate with his country's consular officials, and that the right of visit by consular officials, in cases of detention or imprisonment, should be similar to that enjoyed by legal representatives under the criminal procedure laws. It was also suggested that among the obligations of the receiving State should have been included the obligation to inform the sending State of searches carried out in ships, boats or aircraft flying the flag or bearing the markings of the sending State or belonging to its nationals. Finally, it was also said that the articles dealing with communication and contact with nationals of the sending State and with the obligations of the receiving State seemed completely foreign to the main context of the draft articles, and that it would therefore be better to delete them.

22. Some of the articles dealing with the "facilities, privileges and immunities regarding consular officials and employees" were also the target of criticism which would limit their scope, particularly with regard to the case of honorary consuls. It was stated that the wording of the provision on the personal inviolability of consular officials went too far, and that it ought not to cover serious offences. The immunity from jurisdiction provided for, it was said, seemed somewhat excessive and shcuild be specified more clearly, being limited to the official exercise of consular functions. In connexion with immunity from jurisdiction, the problem was raised of compensation for the victims of traffic accidents caused by members of consulates. It was also suggested that exemption from obligations in the matter of registration of aliens and residence and work permits should be granted solely on a basis of reciprocity. The provisions concerning exemption from taxation and from customs duties seemed, to some representatives, to be too

liberal. Lastly, it was stated that a clearer distinction should be drawn between the consular archives and documents in charge of an honorary consul, which enjoyed inviolability, and the other archives and documents in his possession, since the latter were not inviolable.

23. Some representatives stated that the provision relating to the acquisition of the nationality of the receiving State would raise constitutional problems in many countries and that it should therefore be the subject of a separate protocol, as had been done at the 1961 United Nations Conference on Diplomatic Intercourse and Immunities in Vienna in the case of the corresponding provision of the draft articles on diplomatic relations.

24. It was also recalled that the question of the exercise of consular functions by diplomatic missions, mentioned in article 2, paragraph 2 and in articles 3 and 68 of the draft, had not been resolved at the Vienna Conference because it had been felt that it could be dealt with more appropriately in connexion with the codification of consular relations. Some representatives stated in that regard that the express consent of the receiving State should be required for such exercise.

25. Some representatives suggested that the conference should include in the future convention provisions which did not appear in the draft articles. Thus, it was observed that the future convention should contain a preamble, stating that the privileges granted by the convention were accorded for the purpose of guaranteeing the exercise of consular relations and not for the personal benefit of the officials concerned; a new article on the interruption of consular relations, such as had been included in the original draft of the Special Rapporteur; a federal clause; provisions regarding possible reservations to the convention; and final clauses modelled on articles 48 to 53 of the Vienna Convention on Diplomatic Relations. While some representatives favoured the inclusion of a clause stipulating that the privileges and immunities conferred by the future convention should be subject to the principle of reciprocity, others maintained that such a procedure would merely increase the present diversity of treatment and might result in inequality and discrimination. It was also added that the question of the settlement of any controversies with regard to the application or interpretation of the terms of the convention should be dealt with in a separate protocol, as had

been done in the case of the Vienna Convention on Diplomatic Relations and the Conventions on the law of the sea.

26. Lastly, as regards form, it was stated that the future conference should regroup some of the articles, but that the division into chapters and sections should be maintained, with appropriate sub-titles, as in the draft submitted by the International Law Commission.

(b) Submission of amendments to the draft articles prior to the opening of the 1963 Vienna Conference on consular relations

27. In the course of the discussion on "consular relations", the procedural point was raised regarding the submission of amendments to the draft articles on consular relations prior to the opening of the Vienna Conference scheduled for the beginning of March 1963. It was suggested that, in order to facilitate initial negotiations and to save the conference's time, States which intended to participate in the conference should be allowed to transmit to the Secretary-General for circulation to Governments any amendments which they might wish to propose to the draft articles, in advance of the conference. In this way, Governments which wished to participate in the conference would be aware of each other's intentions and positions as regards the actual text of the draft articles and would therefore be prepared to act from the very first day of the conference.

28. This practical suggestion was favourably received by the representatives who spoke on the subject and was given expression in operative paragraph 2 of the draft resolution (A/C.6/L.515) subsequently adopted by the Committee.

29. In the discussion preceding the adoption of the draft resolution it was made clear that: first, such preliminary amendments would be presented for information purposes and would not be formally before the conference; second, their nature, priority, and subsequent action upon them would depend on the rules of procedure adopted by the conference; third, the word "amendment" also included new proposals; fourth, the reason for the time-limit for submission - not later than 10 February 1963 - was to enable the Secretary-General to circulate the amendments to Governments in good time; fifth, amendments received by the Secretary-General after that date would be communicated directly to the conference; sixth, the

possibility of submitting such preliminary amendments in no way detracted from the right of the participating States to propose amendments during the conference. Lastly, the suggestion was made that the Secretariat should group those amendments by articles and not by countries in transmitting them to Governments.

VOTING

30. At its 775th meeting on 6 December 1961 the Sixth Committee adopted unanimously the draft resolution submitted by the United Kingdom (A/C.6/L.515).

Recommednation of the Sixth Committee

31. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

/Text adopted by the General Assembly without change. See "Resolution adopted by the General Assembly" below./

(b) Resolution adopted by the General Assembly

At its 1196th plenary meeting, on 18 December 1962, the General Assembly adopted the draft resolution submitted by the Sixth Committee (para.31 above). For the final text, see resolution 1813 (XVII) below.

1813 (XVII). INTERNATIONAL CONFERENCE OF PLENIPOTENTIARIES ON CONSULAR RELATIONS

The General Assembly,

Recalling that by resolution 1685 (XVI) of 18 December 1961 it decided to convene an international conference of plenipotentiaries at Vienna at the beginning of March 1963 to consider the question of consular relations, and referred to that conference chapter II of the report of the International Law Commission covering the work of its thirteenth session (A/4843), together with the records of the relevant debates in the General Assembly, as the basis for its consideration of the question.

Having considered the item entitled "Consular relations" at its seventeenth session,

Having heard the further expressions of opinion and exchanges of views on the draft articles on consular relations prepared by the International Law Commission (A/4843, para. 37).

Considering that the work of the conference would be facilitated if States which intended to participate were to submit in advance of the conference amendments which they might wish to propose to the draft articles prepared by the International Law Commission, and that their action in so doing would be without prejudice to their right to propose amendments in the course of the conference,

1. Requests the Secretary-General to transmit to the international conference of plenipotentiaries on consular relations the summary records and documentation relating to the consideration of this item at the seventeenth session;

2. Invites States which intend to participate in the conference to submit to the Secretary-General as soon as possible, and in any event not later than 10 February 1963, for circulation to Governments, any amendments which they may wish to propose in advance of the conference to the draft articles prepared by the International Law Commission.

1196th plenary meeting,
18 December 1962.

4. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS (AGENDA ITEM 75)

(a) Report of the Sixth Committee[1]

[Original text: French]
[14 December 1962]

INTRODUCTION

1. The General Assembly, at its 1129th plenary meeting on 24 September 1962, placed on the agenda of its seventeenth session an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" and decided to allocate it to the Sixth Committee.

2. The Sixth Committee examined this agenda item at its 753rd to 774th meetings, from 5 November to 5 December 1962, and at its 777th meeting, on 12 December 1962.

3. The Secretary-General submitted a note (A/5192) reviewing the historical background of the item.

4. This report is in two main sections; section I relates to the agenda item proper and section II to a related question, raised during the discussion, concerning technical assistance to promote the teaching, study, dissemination and wider appreciation of international law.

I. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

Proposals and amendments

5. Czechoslovakia submitted a draft resolution (A/C.6/L.505) proposing that the General Assembly should proclaim a declaration of principles of international law concerning friendly relations and co-operation among States. The draft declaration contained the following nineteen principles: (1) the obligation to take measures for the maintenance of peace and international security; (2) the principle of peaceful settlement of disputes; (3) the principle of prohibition of the threat or use of force; (4) the principle of prohibition of weapons of mass destruction;

1/ Document A/5356, reproduced from Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75.

(5) the principle of general and complete disarmament; (6) the principle of prohibition of war propaganda; (7) the principle of collective security; (8) the principle of State sovereignty; (9) the principle of territorial inviolability; (10) respect for the independence of the State; (11) the principle of sovereign equality; (12) the right of the State to participate in international relations; (13) the principle of non-intervention; (14) the right of self-determination; (15) the principle of the elimination of colonialism in all its forms; (16) the principle of respect for human rights; (17) the principle of co-operation in the economic, social and cultural fields; (18) the principle of the observance of international obligations; and (19) the principle of State responsibility. The nineteen principles were accompanied by commentaries and were divided into three sections. Section I comprised principles 1 to 7; section II, principles 8 to 13; and section III, principles 14 to 19.

6. Bolivia submitted an amendment (A/C.6/L.511) to the Czechoslovak draft resolution (A/C.6/L.505), to add at the end of the commentary on principle 11, that of sovereign equality, a phrase to the effect that no reasons could limit the capability of the State "to develop to the full the possibilities offered by its natural resources".

7. Another draft resolution (A/C.6/L.507 and Add.1-4) was submitted by Cameroon, Canada, Central African Republic, Chile, Dahomey, Denmark, Japan, Liberia, Nigeria, Pakistan, Sierra Leone and Tanganyika. This draft resolution proposed that the General Assembly should: (1) affirm that the rule of law was essential for the achievement of the purposes of the United Nations, particularly the development of friendly relations and co-operation among States based on respect for the principles set forth in the Charter of equal rights and self-determination of peoples and of the sovereign equality of all Member States; (2) affirm also that the Charter was the fundamental statement of principles of international law governing friendly relations and co-operation among States, notably, the obligation to respect the territorial integrity and political independence of States and the obligation to settle disputes by peaceful means; (3) resolve to consider, in relation to specific principles of international law of immediate and universal concern such as those referred to in paragraph 2, the development of the rules of international law and international procedures with a view to the more effective

application of those principles; (4) decide accordingly to inscribe on the provisional agenda of its eighteenth session the topics of the obligation to respect the territorial integrity and political independence of States and of the obligation to settle disputes by peaceful means; and (5) request the Secretary-General to invite Member States to transmit written comments concerning the topics referred to in paragraph 4, and to communicate those comments to Member States before the beginning of the eighteenth session.

8. A revised text (A/C.6/L.507/Rev.1 and Rev.1/Add.1) was submitted by the same Powers, with Colombia and Congo (Leopoldville). The revision consisted of (1) adding three new paragraphs to the preamble, and (2) re-drafting operative paragraphs 3, 4 and 5.

9. Afghanistan, Algeria, Cambodia, Ceylon, Ethiopia, Ghana, India, Indonesia, Mali, Morocco, Somalia, Syria, the United Arab Republic and Yugoslavia also submitted a draft resolution (A/C.6/L.509 and Add.1 and 2). Under this draft resolution the General Assembly would declare that relations among States and nations should be governed by the following principles: (1) abstention from the threat or use of force; (2) settlement of international disputes and differences by negotiations and other peaceful means; (3) co-operation in all spheres of international relations; (4) the right of peoples to self-determination; (5) the right of States to sovereign equality; and (6) the duty of States to respect and carry out their obligations under treaties and other sources of international law in accordance with the purposes and principles of the United Nations.

10. The same Powers later submitted a revised draft resolution (A/C.6/L.509/Rev.1). Apart from some drafting changes in the preamble, the revision affected the beginning of the operative part, under which the General Assembly would "reaffirm" instead of "declaring" that the six principles enumerated in the resolution should govern relations among States. The revision also included the addition of operative paragraphs 2 and 3.

11. Bolivia submitted an amendment (A/C.6/L.512) to the fourteen-Power draft resolution (A/C.6/L.509 and Add.1 and 2), proposing the insertion of the words "paragraph 1 of this declaration and" before the words "the purposes and principles of the United Nations" in principle 6.

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12. Afghanistan, Algeria, Cambodia, Cameroon, Canada, Ceylon, Central African Republic, Chile, Congo (Leopoldville), Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Ghana, Greece, Hungary, India, Indonesia, Iran, Japan, Liberia, Mali, Mongolia, Morocco, Nigeria, Pakistan, Philippines, Poland, Romania, Sierra Leone, Somalia, Syria, Tanganyika, Turkey, United Arab Republic and Yugoslavia also submitted a draft resolution (A/C.6/L.524 and Corr.1 and Add.1), identical in text with draft resolution I which appears in paragraph 97 of this report.

13. At the request of the Permanent Representative of Czechoslovakia to the United Nations, a statement by the Government of the German Democratic Republic on the item under discussion was circulated in document A/C.6/L.513.

Debate

(1) General considerations

14. The importance of the subject was stressed by the representatives who spoke on this item. Many representatives emphasized that the means of destruction were at present so powerful that a general conflict might end in the extermination of mankind. It was therefore increasingly imperative to maintain and strengthen international peace, and one of the means of achieving that end was the development of international law.

15. Some representatives recalled that the question had been placed on the agenda of the present session partly as a result of a movement within the Sixth Committee for strengthening the role of international law in the maintenance of international peace and security. This movement had led to the adoption by the General Assembly of resolution 1505 (XV) of 12 December 1960 and 1686 (XVI) of 18 December 1961. These representatives pointed out that the Sixth Committee had an opportunity to make an effective contribution to the codification and progressive development of international law in accordance with Article 13 of the Charter, without encroaching on the work of the International Law Commission or duplicating the activities of the Commission or other United Nations organs.

16. Many representatives emphasized the paramount importance of the Charter, of respect for its principles and the attainment of its purposes. The Charter was the basic instrument stating the principles of international law governing friendly

relations and co-operation among States, for, in the terms of the Charter, the peoples of the United Nations were determined to practise tolerance and live together in peace with one another as good neighbours.

17. It was the view of some representatives that the Charter, while it continued to be the basic instrument, was not sufficient, for the rule of law was an essential condition of the attainment of the purposes and principles of the United Nations. The concept of the rule of law implied that law was not a tool of policy, and that political organs should be subject to the rule of law like other organs of the State. Experience showed that it was only when States agreed to settle their disputes by legal means and respect the rights of other States that friendly relations and co-operation among them could really be established.

18. Those representatives also considered that the progressive development of international law was an indispensable precondition to bringing about the reign of justice and of respect for obligations arising from treaties and other sources of international law. While the rule of law was founded on stability and was itself a stabilizing factor, it was not, however, a simple affirmation of the status quo. The many new States which had become Members of the United Nations in the last few years had been confronted with a pre-existing social, political and economic order based on well-established rules and principles of international conduct. These new nations could not be expected to accept these rules and principles as irrevocable. Some areas of international law were in need of revision and development, so that these new States might make their contribution and so that the law would be more conducive to social progress and co-operation among States.

19. However, all the rules of customary international law, the product of several centuries of experience, could not be [illegible] in the progressive development of international law. Moreover, the process of development should be based on the free consent of the international community as a whole and should take due account of the needs of all its members. This process was slow, but slowness was preferable to hasty action resulting in the formulation of rules which were not universally respected, and which would thus prejudice the authority of the law as a whole.

20. Other representatives believed that the world's survival depended on its ability to find means of ensuring peace among all States, whatever the differences in their political, economic and social systems. Relations among States accordingly

should be based on the principle of peaceful coexistence, which was an essential feature of the modern age and the only means of ensuring a lasting peace and establishing friendly relations among nations.

21. The principle of peaceful coexistence was at the basis of contemporary international law. It had found expression in the establishment of the United Nations, whose Charter was based on an awareness of the common interest which all nations had in the maintenance of international peace and security. To reject peaceful coexistence was, therefore, tantamount to challenging the purposes and principles of the United Nations and the categorical nature of general international law, and to justifying the cold war and the policy of "positions of strength", both of which were an evil and a threat to mankind.

22. Furthermore, the fact that peaceful coexistence was one of the fundamental concepts of the United Nations was reflected in the unanimous adoption of many General Assembly resolutions recognizing the idea of peaceful coexistence, such as resolutions 1236 (XII) of 14 December 1957 on peaceful and neighbourly relations among States, 1301 (XIII) of 10 December 1958 on measures aimed at the implementation and promotion of peaceful and neighbourly relations among States, and 1495 (XV) of 17 October 1960 on co-operation of Member States.

23. Other representatives said that the term "peaceful coexistence" did not have a definite and generally accepted meaning; it was an essentially political concept and, moreover, an ancient one, which did not constitute either a principle of positive international law or a general principle of international law. The replacement of the term "peaceful coexistence" by the expression "friendly relations and co-operation among States in accordance with the Charter of the United Nations" in resolution 1686 (XVI) had settled the question. Even if it was admitted that peaceful coexistence was a principle, it was neither new nor different from the principles of the Charter; in addition, the proponents of "peaceful coexistence", in contending that rejection of that principle was tantamount to challenging the purposes and principles of the United Nations, were in effect identifying "peaceful coexistence" with the Charter and even with general international law.

24. In reply, some representatives pointed out that at all times international law had been the law of coexistence and that only its character and its substance had changed in the course of history. Moreover, this question of semantics was

secondary, and the countries which had proposed the term had given proof of their desire to coexist by accepting the replacement of "peaceful coexistence" by the expression used in the title of the agenda item.

25. Some representatives held, furthermore, that coexistence should be not only peaceful but active. Thus interpreted, the term "peaceful and active coexistence" was synonymous with "friendly relations and co-operation among States", since "peaceful coexistence" was analogous to the idea of friendly relations and "active" coexistence to the concept of co-operation among States.

26. Some representatives stated that the argument that "peaceful coexistence" was more a political than a legal concept was not convincing, for there were few purely legal principles and international law in most cases could not be dissociated from social and political principles.

27. Other representatives pointed out that, while political co-operation was necessary, it was not enough, since the contemporary world was divided not only politically and ideologically but also into rich and poor nations, into developed and developing countries. The situation of the under-developed countries tended to worsen as a consequence of the rising price of manufactured goods and the declining price of primary products. As long as that gap existed, the essential conditions for peace and equilibrium would not be achieved. Accordingly, an appeal must be made to the collective responsibility of States and to international solidarity. Nations and individuals should practice solidarity and work for the common good.

28. Some representatives also stressed the importance of the principle of good faith in the fulfilment of international obligations; that principle was the very foundation of any international legal order, and there could be no truly friendly relations or real co-operation without it. The ethical and juridical quality of the principle of good faith must not reduce it to a mere abstraction, for it was a principle that should truly guide States in their conduct, particularly in their implementation of the United Nations Charter.

29. Two trends of thought had become apparent with regard to the most appropriate measures for applying resolution 1686 (XVI). The first, reflected in the Czechoslovak draft resolution (A/C.6/L.505), favoured as complete as possible a declaration of principles of international law. The second, represented by draft resolution A/C.6/L.507 and Add.1-4, while recognizing that none of the principles

of the Charter could, a priori, be excluded from the discussion, considered that the General Assembly should restrict itself for the moment to developing and defining a few essential principles, while at the same time leaving the way clear for the future consideration of other principles and their ultimate incorporation in a draft declaration open for acceptance by States in accordance with their constitutional procedures. A compromise solution which emerged during the discussion took the form of draft resolution A/C.6/L.509 and Add.1 and 2. As this draft encountered opposition, another solution had to be sought. After a number of informal meetings held by the sponsors of the three drafts and various interested representatives, by representatives appointed by the sponsors and by the representatives of the sponsors together with some other representatives, draft resolution A/C.6/L.524 and Corr.1 and Add.1 took shape and was submitted by thirty-seven Powers.

(2) Czechoslovak draft resolution

30. Several representatives supported the Czechoslovak draft (A/C.6/L.505) as regards both its form and its substance. They were in favour of its postulate that the principle of "peaceful coexistence" had penetrated contemporary international law, the development of which was closely related to the radical changes in the nature and structure of the international community. The General Assembly must therefore seek and formulate general rules of international law which would impose on States the obligation to live in peace and endeavour to establish friendly co-operation with each other. They maintained that the nineteen principles of the Czechoslovak draft declaration concerning friendly relations and co-operation among States would contribute to the formulation of such rules. That draft declaration was based on the purposes and principles of the Charter and took into account all the main factors of the political and juridical development of the international community. It appeared to be the most appropriate instrument for expressing the General Assembly's faith in the existence, the content and the influence of fundamental legal rules.

31. Those representatives noted that section I of the declaration enunciated the basic principles of international law concerning the maintenance and strengthening of international peace and security. Section II was devoted to principles

concerning the juridical status of States, for peaceful coexistence was inconceivable without respect for the principles of the sovereign equality of States within the international community. The main obstacle to peaceful coexistence was not sovereignty but the impairment of sovereignty and of other fundamental attributes of States. Section III, which dealt with the right of peoples to self-determination, the principle of the elimination of colonialism and other principles of importance to international coexistence and the establishment of economic co-operation, aimed at strengthening the progressive nature of international law and at giving the world stability and well-being, conditions indispensable to peace and friendly relations among States.

32. Several representatives, including some who did not support the Czechoslovak draft resolution, paid a tribute to the effort made in that draft to obtain as complete as possible a definition of peaceful coexistence through a synthesis of all the relevant elements.

33. Many other representatives, however, thought the Czechoslovak draft resolution too ambitious, since it dealt with practically all the matters covered in the Organization's work and seemed to be aimed at rapid attainment of certain objectives in the field of the codification and progressive development of international law. Over-hasty adoption of the declaration might condemn it to the same fate as the Declaration on Rights and Duties of States drafted by the International Law Commission at its first session in 1949 (see General Assembly resolution 375 (IV), annex), consideration of which had been postponed by General Assembly resolution 596 (VI) of 7 December 1951 and which had been lying dormant ever since.

34. Still other representatives pointed out in this connexion that a number of the principles contained in the Czechoslovak proposal appeared already in the draft Declaration on Rights and Duties of States. Since only sixteen countries had submitted comments on the draft Declaration, they thought it would help discussion of the present item if Governments were again asked for their comments and if the question were submitted once more to the International Law Commission or the General Assembly.

35. Other representatives were of the opinion that the Czechoslovak draft resolution served no purpose, because international law could not be developed by drawing up a list of general principles of a political and moral nature and calling them legal rules. If new rules were to be formulated, they must be detailed provisions, clearly applicable to particular circumstances and acceptable to the whole international community.

36. Furthermore, in so far as the Czechoslovak draft was based on the principles of the Charter, it was doubtful whether there was really any purpose in restating those principles in the form of a declaration. By paraphrasing the obligations laid down in the Charter, the draft Declaration might distort its meaning, and any attempt to add to the Charter situations for which it did not now provide would be to go so far beyond the limits within which agreement was possible as to enter the realm of propaganda.

37. Some representatives also maintained that the adoption of a declaration by a resolution of the General Assembly was not a method of creating international law, since it dod not bind Members of the Organization. The fact that the General Assembly had adopted declarations in other fields was no argument, given the nature of international law and its present stage of development.

38. Some representatives said that the concept of a "principle of international law" needed to be clarified and that as clear a distinction as possible should be made between genuinely legal principles and those which were mainly of a moral nature.

39. Representatives also criticized particular principles in the Czechoslovak draft. Thus it was pointed out that principles 4 (prohibition of nuclear weapons), 5 (general and complete disarmament) and 6 (prohibition of war propaganda) came within the competence of other United Nations bodies and would be better left to them, that principles 2 (peaceful settlement of disputes) and 12 (right of States to participate in international relations) were incompatible with the provisions of the Charter, and that principle 14 (right of self-determination) raised problems with regard to the definition of certain concepts, because of their vague and general character. Principle 15 (elimination of colonialism in all its forms) was considered unacceptable in its present form, and it was said that principle 16 (respect for human rights) would scarcely encourage States to accept the specific

obligations stated in the draft Covenants on Human Rights, since they would be able to use the declaration to avoid entering into any real commitments.

40. Some representatives felt that the declaration laid too much stress on the idea of sovereignty and completely disregarded the role which international organizations could play.

41. Other representatives replied that the Czechoslovak draft was not a collection of abstract propositions, but a reflection of the present state of international affairs and of the extent to which the world had become law-minded. Section I of the draft contained only principles which were stated in the Charter or which derived directly from it. Section II set forth the democratic principles of classical international law as they could and should be applied in the modern world. Section III reaffirmed the right of self-determination in accordance with Articles 1 and 2 of the Charter. They maintained that it was necessary to state all the principles relating to friendship and co-operation instead of limiting oneself to one or two principles, however important they might be.

42. There were representatives who argued that some of the principles stated in the Czechoslovak draft were not merely a repetition of the principles set forth in the Charter; many changes had taken place since 1945, so that some principles of the Charter needed to be amplified and others to be studied from a new angle. Certain principles, such as the right of self-determination, which had barely been formulated in 1945, had become an established part of legal theory. The ideas expressed in Chapters XI, XII and XIII of the Charter no longer sufficed, and as a result the General Assembly had had to adopt the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)). The principles of independence and sovereign equality in international relations had taken on a new significance because nowadays political independence was not possible without economic independence. The General Assembly had already recognized that fact by adopting resolution 626 (VII) on the right to exploit freely natural wealth and resources. Article 26 of the Charter, on the regulation of armaments, dated from before the atomic era and had to be given a wider and more modern interpretation.

43. Some representatives made the point that a declaration, although lacking in any obligatory force, would have great psychological value; it would be a guide and a source of inspiration for States, peoples and individuals. To spread knowledge

of the declaration and instruct the public in its contents could not fail, in the long run, to form opinion; that declaration would play the same role in relations between States as the Universal Declaration of Human Rights in the field of individual rights.

(3) Draft resolution A/C.6/L.507

44. Various representatives agreed with the idea contained in draft resolution A/C.6/L.507 (see para. 7 et seq. above) that the rule of law was essential for the achievement of the purposes of the United Nations, particularly the development of friendly relations and co-operation among States based on respect for the principles set forth in the Charter of equal rights and self-determination of peoples and of the sovereign equality of all Member States.

45. The same representatives also endorsed the affirmation that the Charter was the fundamental statement of principles of international law governing friendly relations and co-operatio. among States, notably, the obligation to respect the territorial integrity and political independence of States and the obligation to settle disputes by peaceful means. They stated that such principles were of immediate and universal concern and that it would be useful for the Sixth Committee to deal with them.

46. A number of representatives thought that the principle of the peaceful settlement of disputes, which had been the preoccupation of international lawyers since the beginning of the century, had unfortunately not been as widely applied in practice as it should be. The Committee should therefore consider suitable, modernized, complete and universally accepted methods and procedures to ensure a wider application of that principle and increase its effectiveness, since it was very closely linked with disarmament problems. Some representatives specified the condition that the peaceful settlement of disputes should be based on the right to self-determination, the principle of sovereign equality (including its economic aspects) and the principle of non-intervention.

47. Some representatives said that the compulsory jurisdiction of the International Court of Justice was essential for the existence of the universal rule of law and that a study should therefore be made of how all Member States could be brought to use the Court more widely. So far only a very small number

of States had accepted the compulsory jurisdiction of the Court and the numerous conditions subject to which they had done so showed that the effect of the declarations of acceptance was limited. The situation was even less satisfactory with regard to the settlement of disputes concerning the interpretation and application of general multilateral treaties.

48. Other representatives emphasized that the Committee should consider methods of settlement, other than judicial means, as envisaged in Article 33 of the Charter. For example, it was suggested that a permanent international organ of inquiry should be created. Such a body, which would offer the necessary guarantees of impartiality and competence, would certainly facilitate the conclusion of agreements between States and would make it possible to avoid or to settle disputes.

49. Several representatives thought that there should not be too long a list of topics to be considered, so that the Committee would not be bound for years by a programme of work which would deprive it of its freedom of action; they likewise felt that all political and legal questions already examined by other United Nations organs should be disregarded. The principles referred to in draft resolution A/C.6/L.507 were those which were the least controversial and, for that reason, were perhaps the best ones to start with.

50. Although they acknowledged the importance of the principles which draft resolution A/C.6/L.507 proposed for study, some representatives did not agree that the study should be restricted to certain principles only. A discussion under those conditions would be sterile and would give a false impression of the other principles by implying that they were no longer topical. For example, the draft resolution did not mention complete decolonization, although the disappearance of the colonial system was the great event of the present epoch. Consideration should therefore be given to all the general principles of international law relating to peaceful coexistence among States.

51. Some representatives also said that the principle of the right of peoples to self-determination, proclaimed in the Charter and developed in resolution 1514 (XV) of 14 December 1960, containing the Declaration on the granting of independence to colonial countries and peoples should have been given greater emphasis in draft resolution A/C.6/L.507.

52. Various representatives who considered the Czechoslovak draft resolution over-ambitious thought that draft resolution A/C.6/L.507 was too limited and that other principles not mentioned in that draft resolution deserved study. Among those principles, in addition to decolonization, were respect for human rights, the legal equality of States and the observance of treaties.

53. Some representatives would have preferred the draft resolution at least to say that, after taking up the two topics suggested, the Assembly would continue its work on other topics. The sponsors of the draft resolution took that preference into account by including in their revised text the possibility of considering at the next session what further topic or topics should be included in the Assembly's agenda at subsequent sessions.

54. Some representatives pointed out that draft resolution A/C.6/L.507, like the Czechoslovak draft resolution, reflected a political or legal tendency that was open to criticism. The draft resolution was based on the notion of the rule of law, which was embodied in Anglo-Saxon domestic law and for which there was no exact translation in the other languages. The discrepancies between the terms used in various countries reflected real differences of substance. It was therefore inappropriate to apply that idea to international law and still less appropriate to make it the central point of a resolution of the General Assembly.

(4) Draft resolution A/C.6/L.509

55. The draft resolution (A/C.6/L.509) (see para. 9 et seq. above) was put forward as the middle way between an unduly ambitious programme and excessive perfectionism of legal technique. It enumerated six fundamental principles which should govern relations among States, in accordance with the Charter of the United Nations, against the background of the main problems which require solution by the proper application of those principles.

56. Of the representatives who supported the draft resolution, some recognized that the application of a few basic principles would be a difficult matter, for every right was accompanied by a duty and the rights and duties would require skilful formulation if they were not to conflict with one another. However, the draft resolution provided a sound basis for discussion.

57. Several representatives felt that the draft resolution raised the same delicate problems as the Czechoslovak draft resolution and was open to the same objections. In their view, it amounted to a declaration of the rights and duties of States, which would very probably meet with no better fate than the many texts drafted on the subject in the past and which, furthermore, the Sixth Committee had no instructions to prepare at the present time.

58. Some representatives found it disturbing that, while the principles embodied in the draft resolution were taken from the Charter, there were appreciable discrepancies in the drafting; the adoption of the draft resolution might be interpreted as an implicit revision of the Charter carried out in a manner at variance with its Articles 108 and 109.

(5) Thirty-seven-Power draft resolution

59. The thirty-seven-Power draft resolution (A/C.6/L.524 and Corr.1 and Add.1) (see para. 12 et seq. above) was submitted as essentially a compromise solution, arrived at after long and difficult discussion and designed to gain general acceptance by the Committee without sacrificing positions of principle. While it was not perfect and did not really fulfil the hopes originally entertained, the text would nevertheless allow the General Assembly to undertake a task whose importance could not be over-estimated.

60. Most of the representatives who spoke on this point expressed satisfaction at the successful outcome of the efforts made to reach agreement.

61. However, the draft resolution was criticized on various grounds of both form and substance.

62. Some representatives said that the enunciation of Charter principles in the draft resolution should not be interpreted to mean that those principles were necessarily principles of international law; they were rather principles on which international law was based.

63. One representative criticized as of no legal validity the distinction drawn in the operative part of the draft resolution between the principles and the duties deriving therefrom.

64. Some representatives took exception to the order in which the principles were enumerated as being liable to give the impression, on comparison with the Charter, that there had been a change in the order of importance of those principles. The idea of national sovereignty, in particular, had been given undue prominence.

65. In contrast, one representative maintained that international law was conceivable only in a community of sovereign States; he agreed with the proposal to include the principle of sovereign equality of States among those to be studied.

66. One representative expressed the fear that paragraph 1, as drafted, might leave the Committee open, in the course of its future work, to the suggestion of additional principles, which would certainly entail further discussion.

67. He regretted that a vague formula, concerning the fulfilment in good faith of obligations assumed in accordance with the Charter, had been used instead of a reference to the execution of obligations arising from treaties and other sources of international law. He also regretted that the thirty-seven-Power draft resolution should be more concerned with the development of principles than with the establishment of rules to give full effect to those principles.

68. As to the four topics chosen for study at the Assembly's eighteenth session, one representative emphasized that the selection was not limitative and did not preclude the possibility of studying the main trends and the real problems of modern international law.

69. Reservations were expressed in regard to the relationship established in the draft resolution between the progressive development of international law and the promotion of international co-operation in economic, social and related fields.

70. As to the duty of States to co-operate with one another in accordance with the Charter, one representative considered that, if carried to extremes, that duty might prejudice the freedom of every State to maintain or not to maintain diplomatic relations with other countries and to participate in regional and collective activities of the type referred to in Article 52 of the Charter.

Voting

71. At its 777th meeting, on 12 December 1962, the Sixth Committee decided to vote on the thirty-seven-Power draft resolution (A/C.6/L.524 and Corr.1 and Add.1), and adopted it by 73 votes to none, with 1 abstention.

72. As a result of the vote, the sponsors of the other draft resolutions did not press for a vote on their proposals.

73. The Sixth Committee therefore recommended that the General Assembly should adopt draft resolution I, which appears in paragraph 97 of this report.

II. TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

74. Ghana and Ireland submitted a draft resolution (A/C.6/L.510) under which the General Assembly would (1) urge Member States to undertake broad programmes of training in international law; (2) request the Secretary-General, in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes; and to report the results of such study to the General Assembly at its eighteenth session; and (3) decide to inscribe on the provisional agenda of its eighteenth session the item: "Technical assistance for the teaching and study of international law: report of survey by the Secretary-General in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization".

75. Afghanistan put forward amendments (A/C.6/L.514) to the draft resolution submitted by Ghana and Ireland (A/C.6/L.510); the purpose of the amendment was:

(1) To insert as a first preambular paragraph the following:

"Considering that lasting solutions to the grave problems that confront humanity can be achieved only by understanding, mutual co-operation, and strengthening of international law and its application in the relations among nations."

(2) To amend paragraph 1 to read as follows:

"Urges Member States to undertake broad programmes of training in seminars and exchanges of fellows in the field of international law."

(3) To amend operative paragraph 2 to read as follows:

"Requests the Secretary-General, in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organizations and technical co-operation organs of the United Nations, and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the strengthening of International law, and to report the results of such study to the General Assembly as its eighteenth session."

(4) To amend the title of the item to be included in the provisional agenda of the eighteenth session to read as follows: "Technical assistance for the teaching and study of international law: report of the Secretary-General on the strengthening of the role of international law".

76. Several sub-amendments to the Afghan amendments (A/C.6/L.514) were proposed.

77. The United States of America submitted sub-amendments (A/C.6/L.517), the purpose of which was:

(1) In paragraph 3 of the amendment, to delete the words "and technical co-operation organs of the United Nations" and the words "including in this context the possibility of proclaiming a United Nations Decade of International Law".

(2) To redraft paragraph 4 of the amendment to read as follows:

"Amend operative paragraph 3 to read as follows:

"'Decides to inscribe on the provisional agenda of its eighteenth session the item "Technical assistance for the teaching and study of international law: report of the Secretary-General on the teaching and study of international law with a view to the strengthening of its practical application"'."

78. The United States of America later withdrew the second part of its sub-amendment (1).

79. Peru submitted a sub-amendment (A/C.6/L.518) to amend paragraph 2 of the amendments to read as follows:

"Amend operative paragraph 1 to read as follows:

"'Urges Member States to undertake broad programmes of teaching in seminars, grants and exchanges of teachers, students and fellows in the field of international law'."

80. Spain proposed in a further sub-amendment (A/C.6/L.519) that in paragraph 3 of the amendments the word "strengthening" should be replaced by the word "dissemination".

81. Colombia submitted sub-amendments (A/C.6/L.520), the purpose of which was:

(1) In paragraph 2 of the amendments, after the words "exchanges of fellows", to insert the words "and of publications".

(2) In paragraph 4 of the amendments, to replace the words "strengthening of the role of international law" by the words "measures to promote the dissemination of international law".

82. The representative of the United States of America proposed orally that the title of the item to be included in the agenda of the eighteenth session of the General Assembly should be amended to read as follows: "Technical assistance to promote the teaching, study, dissemination and thorough knowledge of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".

83. These sub-amendments were accepted by Afghanistan and incorporated in a set of revised amendments (A/C.6/L.514/Rev.1).

84. The representative of the United States later proposed orally that in the title of the item to be included in the agenda of the eighteenth session the words "thorough knowledge" should be replaced by the words "wider appreciation". This sub-amendment was accepted by Afghanistan.

85. Belgium also put forward an amendment (A/C.6/L.516) to the draft resolution submitted by Ghana and Ireland (A/C.6/L.510); the purpose of the amendment was:

(1) To add the following paragraph after the second preambular paragraph:

> "Desiring to ensure that these measures are also aimed at promoting the dissemination and thorough knowledge of international law, over and above its teaching in universities and higher educational institutions."

(2) In paragraph 3, to replace the words "for the teaching and study of international law" by the words "to promote the teaching, study, dissemination and thorough knowledge of international law".

Debate

86. The representatives who spoke on this item warmly welcomed the draft resolution submitted by Ghana and Ireland (A/C.6/L.510) on appropriate measures to extend the teaching of international law. They pointed out that the General Assembly had already considered the question at its second session and, in an endeavour to promote the teaching of international law, had adopted resolution 176 (II) of 21 November 1947; however, that resolution had not really been implemented as yet and was no longer fully consonant with contemporary needs.

87. Those representatives were in favour of the idea of commissioning a study of ways in which Members could be aided in establishing and developing programmes of training in international law. Once international law was more widely known and accepted, international relations and co-operation would certainly be improved. A better knowledge of international law would be a factor in the maintenance of peace.

88. As regards practical methods, some representatives suggested the establishment of legal libraries, exchanges of students and teachers, the grant of fellowships, the exchange of publications, the organization of seminars on international law, and liaison with independent specialized bodies such as the Academy of International Law, the Institute of International Law and the International Law Association.

89. Several representatives took the view that the study should be carried out in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO), for educational questions were within the purview of that Organization and it was also interested in certain legal questions. UNESCO had informed the Committee, through its observer, that it would consider itself honoured if it could give the help which was requested of it. Its assistance might take the form of expert missions, fellowships or refresher courses.

90. Some representatives proposed that the possibility of enlisting the assistance of States should be explored because, so far as technical assistance was concerned, UNESCO had only the small budget allocated to it under the Expanded Programme of Technical Assistance. That point was confirmed by the UNESCO observer.

91. Some misgivings were expressed on the subject of technical assistance; some representatives feared that it might serve the interests of the donor country. Assistance should be rendered only at the request of the country concerned, and always through the United Nations. It would also be necessary to specify the standards to which the teaching of international law should conform in all cases.

92. Many representatives held that it was feasible to proclaim a United Nations Decade of International Law. Some of them believed that it would be a very effective way to strengthen the role of international law.

93. Some representatives, however, considered that the idea was premature and that, at the current session, all that could be done was to state the problem without going into details.

94. It was pointed out in reply that the Afghan amendments merely requested the Secretary-General to study the possibility of proclaiming a United Nations Decade of International Law and did not provide for any immediate action by the Assembly.

Voting

95. At its 774th meeting, on 5 December 1962, the Sixth Committee voted on the draft resolution submitted by Ghana and Ireland (A/C.6/L.510); the amendments submitted by Afghanistan (A/C.6/L.514/Rev.1) (as amended orally by the United States) and the amendments submitted by Belgium (A/C.6/L.516). The results of the voting were as follows:

(a) The revised amendments submitted by Afghanistan (as amended orally by the United States) were adopted by 51 votes to none, with 16 abstentions;

(b) Paragraph 1 of the amendments submitted by Belgium was adopted by 55 votes to 1, with 17 abstentions.

(Paragraph 2 of the Belgian amendments was not put to the vote because of the adoption of the corresponding Afghan amendment.)

(c) The draft resolution submitted by Ghana and Ireland, as amended, was adopted unanimously.

96. The Sixth Committee therefore recommends that the General Assembly should adopt draft reoolution II, which appears in paragraph 97 of this report.

Recommendations of the Sixth Committee

97. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

/Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below./

Draft resolution II

TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

/Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below./

(b) Resolutions adopted by the General Assembly

At its 1196th plenary meeting, on 18 December 1962, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (para. 97 above). For the final texts, see resolutions 1815 (XVII) and 1816 (XVII) below.

1815 (XVII). CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

The General Assembly,

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

Convinced of the paramount importance of the Charter in the progressive development of international law and in the promotion of the rule of law among nations,

Taking into account that the great political, economic, social and scientific changes that have occurred in the world since the adoption of the Charter have further emphasized the vital importance of the purposes and principles of the United Nations and of their application to present-day conditions,

Recognizing the urgency and importance of maintaining and strengthening international peace founded upon freedom, equality and social justice, and therefore of developing peaceful and neighbourly relations among States, irrespective of their differences or the relative stages or nature of their political, economic and social development,

Considering that the conditions prevailing in the world today give increased importance to the fulfilment by States of their duty to co-operate actively with one another and to the role of international law and its faithful observance in relations among nations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation is an impediment to the promotion of world peace and co-operation,

Mindful of the close relationship between the progressive development of international law and the establishment of conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained through the promotion of international co-operation in economic, social and related fields and through the realization of human rights and fundamental freedoms,

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, that disputes be settled by peaceful means in accordance with the Charter, that the arms race be eliminated and general and complete disarmament achieved under effective international control,

Conscious of the significance of the emergence of many new States and of the contribution which they are in a position to make to the progressive development and codification of international law,

Recalling its authority to consider the general principles of co-operation in the maintenance of international peace and security and to make recommendations for the purpose of encouraging the progressive development of international law and its codification,

1. Recognizes the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

(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;

2. Resolves to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application;

3. Decides accordingly to place the item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" on the provisional agenda of its eighteenth session in order to study:

(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 principle of sovereign equality of States; and to decide what other principles are to be given further consideration at subsequent sessions and the order of their priority;

4. Invites Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestions that they may have on this item, and particularly on the subjects enumerated in paragraph 3 above, and requests the Secretary-General to communicate these comments to Member States before the beginning of the eighteenth session.

1196th plenary meeting,
18 December 1962.

1816 (XVII). TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

The General Assembly,

Considering that lasting solutions to the grave problems that confront humanity can be achieved only by understanding, mutual co-operation, and strengthening of international law and its application in the relations among nations,

Recalling its resolution 176 (II) of 21 November 1947 by which it requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

Desirous of ascertaining what additional means and resources could profitably be employed in the accomplishment of the objectives of resolution 176 (II),

Desirous of ensuring that these measures are also designed to promote the dissemination and thorough knowledge of international law, over and above its teaching in universities and institutions of higher education,

Confident that such measures would contribute to the progressive development of international law and to friendly relations and co-operation among States,

1. Urges Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law;

2. Requests the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session;

3. Decides to include in the provisional agenda of its eighteenth session an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".

1196th plenary meeting,
18 December 1962.

5. REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FOURTEENTH SESSION (AGENDA ITEM 76)

(a) Report of the Sixth Committee[1]

[Original text: Spanish]
[14 November 1962]

INTRODUCTION

1. At its 1129th plenary meeting held on 24 September 1962, the General Assembly decided to include the item entitled "Report of the International Law Commission on the work of its fourteenth session" in the agenda of its seventeenth session, and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this agenda item from its 734th to its 752nd meetings from 1 October to 2 November 1962.

3. At the 734th meeting, the Chairman welcomed Mr. Radhabinod Pal, Chairman of the International Law Commission, on behalf of the Sixth Committee, and invited him to present the Commission's report (A/5209 and Corr.1).[2] At the 740th meeting, held on 12 October, Mr. Pal replied to the comments and suggestions made by certain representatives during the debate.

4. The report of the International Law Commission consisted of five chapters, devoted respectively to the organization of the session, the law of treaties, future work in the field of codification and progressive development of international law, the planning of the work of the Commission for the next session, and other decisions and conclusions of the Commission.

PROPOSALS AND AMENDMENTS

5. Japan, Turkey and the United States submitted a draft resolution (A/C.6/L.500) under which the General Assembly would (1) take note of the report of the

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1/ Document A/5287, incorporating documents A/5287/Corr.1 and 2, reproduced from Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 76.

2/ Mr. Pal's statement was reproduced in document A/C.6/L.497.

International Law Commission and (2) express its appreciation of the work done by the Commission.

6. Another draft resolution (A/C.6/L.5C1) was submitted by Ghana, Indonesia and the Ukrainian SSR, under which the General Assembly would (1) take note of the report of the International Law Commission; (2) express its appreciation to that Commission for the work accomplished by it, especially in regard to the topic of the Law of Treaties; (3) recommend the International Law Commission: (a) to continue the codification work in the field of the law of treaties, taking into account the views expressed during the discussion in the Committee during the seventeenth session of the General Assembly as well as comments which might be submitted by Governments and the recent developments in this field, in order that the law of treaties might be placed upon the widest and most secure foundations based on strict respect for principles of the sovereign equality of States; (b) to adopt a broader approach to the codification of rules of State responsibility, including in its study those governing the responsibility consequent upon the violation of the basic principles of international law relating to the maintenance of international peace and security; (c) to take into account when elaborating on the subject of State succession the views of new States which have recently become members of the international community; and (4) request the Secretary-General to provide the necessary technical services to the Commission, as referred to in paragraphs 84 and 85 of its report.

7. These draft resolutions were later withdrawn by their sponsors, who, together with other representatives, submitted a new draft resolution.

8. This draft resolution (A/C.6/L.503) was submitted by the following fifteen Powers: Australia, Czechoslovakia, Ghana, Hungary, India, Indonesia, Israel, Japan, Mongolia, the Netherlands, Poland, Turkey, the Ukrainian SSR, the United Kingdom and the United States. Austria subsequently added its name to the list of sponsors. Under this draft resolution, the General Assembly would (1) take note of the report of the International Law Commission covering the work of its fourteenth session; (2) express its appreciation to the Commission for the work accomplished at its fourteenth session, especially with regard to the law of treaties; (3) recommend that the Commission: (a) continue the work of codification and progressive development of the law of treaties, taking into

account the views expressed at the seventeenth session of the General Assembly and the comments which may be submitted by Governments, in order that the law of treaties may be placed upon the widest and most secure foundations;
(b) continue its work on State responsibility, taking into account the views expressed at the seventeenth session of the General Assembly and the report of the Sub-Committee on State Responsibility; and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations; and
(c) continue its work on succession of States and Governments, taking into account the views expressed at the seventeenth session of the General Assembly and the report of the Sub-Committee on Succession of States and Governments with appropriate reference to the views of States which have achieved independence since the Second World War; (4) request the Secretary-General to forward to the International Law Commission the records of the discussions at the seventeenth session of the General Assembly on the report of the Commission; and (5) further request the Secretary-General to provide the necessary technical services to the Commission, referred to in paragraphs 84 and 85 of its report.

9. The Secretariat submitted a report (A/C.6/L.502) on the financial implications of the draft resolutions (A/C.6/L.500 and A/C.6/L.501). With the withdrawal of those drafts, that report became applicable to the draft resolution (A/C.6/L.503) which replaced them.

10. As requested by the Committee at its 734th meeting, held on 1 October 1962, in connexion with paragraph (10) of the commentary on articles 8 and 9 of the draft articles on the law of treaties contained in the report of the International Law Commission, the Secretariat prepared and presented to the Committee a working paper containing a "List of multilateral agreements concluded under the auspices of the League of Nations in respect of which the Secretary-General of the United Nations acts as depositary and which are not open to new States by virtue of their terms or of the demise of the League" (A/C.6/L.498).

11. The representatives of Australia, Ghana and Israel submitted a draft resolution (A/C.6/L.504) on the problem of the accession of new States to general multilateral treaties concluded in the past, under the first revised text of which (A/C.6/L.504/Rev.1) the General Assembly would: (1) request the Secretary-General to ask the Parties to the Conventions enumerated in the list of multilateral

agreements concluded under the auspices of the League of Nations, prepared by the Secretariat (A/C.6/L.498), to state, within a period of twelve months from the date of the inquiry, whether they objected to the opening of those of the Conventions to which they were Parties, for accession by any State Member of the United Nations or member of any specialized agency; (2) authorize the Secretary-General, if the majority of the parties to a convention had not, within the period referred to in paragraph 1, objected to opening that convention to accession, to receive in deposit instruments of accession thereto which were submitted by any State Member of the United Nations or member of any specialized agency; (3) recommended that all States Parties to the Conventions listed recognize the legal effect of instruments of accession deposited in accordance with paragraph 2.

12. The sponsors of the draft resolution (A/C.6/L.504/Rev.1) later submitted a second revised text (A/C.6/L.504/Rev.2) which (1) substituted in paragraphs 1, 2 and 3 the word "acceptance" for the word "accession"; (2) added at the end of paragraph 3 "and communicate to the Secretary-General as depositary their consent to participation in the Conventions of States so depositing instruments of acceptance"; and (3) added a new paragraph 4 whereby the General Assembly would "request the Secretary-General to inform Members of communications received by him under this resolution".

13. Another draft resolution (A/C.6/L.508) on the same question was submitted by India and Indonesia. According to its operative part, the General Assembly would: (1) request the International Law Commission to study the question of the participation of new States in general multilateral treaties concluded under the auspices of the League of Nations, with special reference to the proposal made in the Sixth Committee (A/C.6/L.504/Rev.2) and to the views expressed in the discussion at the seventeenth session of the General Assembly, and to include the results of the study in the report covering the work of the fifteenth session of the Commission; (2) request the Secretary-General to place on the provisional agenda of the eighteenth regular session of the General Assembly the question of the participation of new States in general multilateral treaties concluded under the auspices of the League of Nations.

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14. The sponsors of the draft resolution (A/C.6/L.508) and Ghana later submitted a revised text of that draft (A/C.6/L.508/Rev.1) under which the General Assembly would: (1) request the International Law Commission to study further the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, giving due consideration to the views expressed during the discussions at the seventeenth session of the General Assembly, and to include the results of the study in the report covering the work of the fifteenth session of the Commission; (2) decide to place on the provisional agenda of its eighteenth session the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations.

15. Pursuant to a request made at the 748th meeting, which took place on 29 October 1962, the Secretariat prepared a note (A/C.6/L.506) reproducing:

(a) A resolution adopted by the General Assembly of INTERPOL at its thirty-first session held in Madrid from 19 to 26 September 1962 and transmitted to the Secretary-General by the Secretary-General of INTERPOL;

(b) A statement made by the Legal Counsel at the 748th meeting regarding the majority contemplated in paragraph 2 of the draft resolution submitted by Australia, Ghana and Israel (A/C.6/L.504/Rev.1).[1]

DEBATE

16. The representatives who spoke in the debate on this subject congratulated the International Law Commission on the work it had done at its fourteenth session. Many expressed the conviction that the quality of the first report submitted by the Commission after the increase in its membership, approved by the General Assembly in 1961, showed that the increase in membership had benefited the codification and progressive development of international law by making it possible for the various existing legal systems to be better represented in the Commission.

1/ Text reproduced in this Yearbook, pp. 264-265.

1. Law of treaties

(a) Draft articles respecting the conclusion, entry into force and registration of treaties

17. As the draft articles respecting the conclusion, entry into force and registration of treaties had been submitted to the various Governments so that they could make such written observations as they considered relevant, most of the representatives pointed out that they would confine themselves to general remarks on the text of the draft articles in question.

18. In the first place all the representatives who spoke on the subject agreed with the International Law Commission that the draft articles made provision both for the progressive development and for the codification of the law of treaties.

19. The great majority of the representatives approved the decision adopted by the International Law Commission at its thirteenth session to give the codification of the law of treaties the form of a convention. It was emphasized that the drafting of one or more conventions would enable the new States to participate directly in drawing up the law of treaties so that the law would be placed on a wider and firmer foundation. It was also added that conventions, as a principal source of contemporary international law, were of greater value in the codification and progressive development of the law of treaties than mere expository codes. A number of representatives pointed out that the question whether the law of treaties should be codified in a single convention or in a series of conventions should be left over for decision to the future conference of plenipotentiaries that would be convened for that purpose. Nevertheless, some representatives maintained that for practical reasons, based partly on considerations of an internal constitutional nature and partly on the need for accelerating codification of the law in question, it would be preferable to keep the convention form for the provisions of the law of treaties that were of a substantive character and to give the procedural provisions the form of a model code approved by the General Assembly. The General Assembly's approval of the model code would also give all States an opportunity to participate in the formulation of the procedural rules contained in the code.

20. Some representatives felt that the Commission should reconsider the wording of some of the definitions, specially the generic definitions of "treaty", "treaty

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in simplified form", and "signature", "ratification", "accession", "acceptance" and "approval".

21. It was considered right that the International Law Commission had abandoned the notion of "plurilateral treaty" thus simplifying the general economy of the draft. On the contrary the expression "treaties concluded between a small group of States", which appeared in a number of articles, was criticized by some representatives on the ground that the vagueness and lack of precision of the expression would only lead to difficulties.

22. A number of representatives doubted whether it was advisable to use the expression "other subjects of international law" with reference to the capacity to conclude treaties side by side with the term "States". On the assumption that jus contrahendi was derived from the sovereignty of the State, it was felt that the use of an expression which was wide enough to include groups such as "insurgents" or "recognized insurgents" might lead to serious disputes and was furthermore not justified as the draft articles submitted by the International Law Commission were only intended to regulate treaties between States. It was also pointed out that a federal State must not be allowed to claim the right to evade its international conventional obligations by alleging the incompatibility of such obligations with its internal constitution.

23. The broad approach of the International Law Commission to the question of participation in general multilateral treaties was approved in principle almost unanimously. Nevertheless, certain differences of opinion arose with regard to the wording of the corresponding articles of the draft. A considerable number of representatives favoured the deletion of any term having the effect of restricting the general rule that any State may be a party to general multilateral treaties. Those representatives considered that such treaties were concluded on behalf, and in the interest, of the international community as a whole; to restrict participation in them would amount to discrimination in conflict with the principle of the universal character of modern international law and would be prejudicial to its codification and progressive development. Some of these representatives proposed that an amendment be accordingly made to article 8 of the draft. Other representatives, on the other hand, maintained that the fact of participation in a treaty was intimately bound up with the aims

and object of the treaty and that consequently the question of whether participation in a treaty should be open to other States could only be answered by the parties that had had a share in drawing it up, or by the organs of the international organization under whose auspices the treaty had been drafted. It was suggested also that it might be more prudent to recommend that treaties drawn up on the occasion of an international conference should contain a provision specifying the conditions in which other States might participate in them. Finally, some representatives reserved their attitude with regard to the wording of the provisions of the draft regarding participation in a treaty.

24. The system adopted by the International Law Commission with regard to the formulation, consent or objection to, and effects of reservations to multilateral treaties was generally approved by those representatives who spoke in connexion with that part of the draft. All of them expressed their satisfaction that a flexible and well-balanced method had been adopted which facilitated the participation in general multilateral treaties of the largest possible number of States wishing to accede to them. Emphasis was laid on the fact that the Commission had eschewed sterile dogmatism and had adopted a progressive approach in harmony with the current requirements of international society and with the guiding ideas found in the jurisprudence of the International Court of Justice as well as the "Pan-American rule". Some representatives suggested or proposed amendments to certain provisions of the system outlined in the draft. In the first place they queried the propriety of introducing the notion of the incompatibility of the reservation with the object and purpose of the treaty into the draft articles, and asked who would be responsible for deciding whether a reservation was incompatible. Other representatives favoured a minimum, rather than a maximum, presumption concerning the effects of objections to a reservation, so that it would be presumed that the objection would suspend the validity of only those treaty provisions to which the reservation referred, as between the State that had made it and the objecting State, while the contractual relationship between both States with respect to the rest of the treaty would be preserved. The provision that when the treaty expressly authorized the making of a specified category of reservations all other reservations were "by implication excluded" also evoked criticism. Lately, reference was made to the

advisability of retaining the criterion of unanimity in the case of treaties concluded between "a small group of States".

25. With regard to consent, seen as one of the cornerstones of treaty law, it was suggested that the International Law Commission should devote its most careful attention to that question, since the general scheme that had been adopted for the draft seemed to suggest that the necessary distinction had not been made between procedures for obtaining the consent of the State, which were governed by domestic constitutional law, and the manner in which that consent was expressed in international conduct, which was governed by international law.

26. Incorporation in the draft of a rule regarding the majority required for the adoption of the text of a treaty drawn up at an international conference drew a measure of criticism. Representatives said that the question would be more appropriately left to be decided individually at each conference. Others questioned whether the requirement of a two-thirds majority, which applied to the adoption of the text of a treaty, should also apply in deciding what voting rule should be adopted, which was a procedural question.

27. The provisions concerning signature, ratification and accession, and their legal effects, brought forth hardly any comments. Some representatives favoured including in the draft, as a consideration affecting the progressive development of international law, the requirement of good faith that a signatory State must submit the instrument it had signed for ratification. Other representatives considered it correct that the retroactive effect of ratification had been discarded and thought that it would be appropriate to provide that ratification should be unconditional. Some representatives also were in agreement that accession might antedate the entry into force of the treaty, and that accession subject to ratification should be considered merely as a notification of participation. In connexion with the provisions relating to the rights and obligations of States prior to the entry into force of the treaty, some doubts were expressed regarding the propriety of extending the obligation to refrain from acts calculated to frustrate the objects of the treaty to all States that had had a share in the general business of drawing up the treaty, instead of restricting that obligation to States that had actually signed it.

28. Lastly, certain suggestions were also made regarding the provisions relating to the functions of a depositary, the registration and publication of treaties and the correction of errors.

(b) Participation of new States in the general multilateral treaties mentioned in paragraph (10) of the commentary on articles 8 and 9 of the draft articles on the conclusion, entry into force and registration of treaties

29. During the debate on the International Law Commission's draft articles on the conclusion, entry into force and registration of treaties, the question arose of the participation of new States in general multilateral treaties concluded in the past, the provisions of which limited participation to specific categories of States.

30. In accordance with the suggestions made by the International Law Commission in paragraph (10) of the commentary on draft articles 8 and 9, it was agreed that, since the sole purpose of the draft articles was to establish a general system for the future, it would be desirable to study the problems arising from treaties concluded in the past, and more particularly those concluded under the auspices of the League of Nations, since they constituted an important part of the contemporary international law of treaties.

31. A number of representatives submitted a draft resolution (A/C.6/L.504) which was not discussed in its original form, since a revised text (A/C.6/L.504/Rev.1) was submitted before the debate on the question had started. This latter text proposed that the General Assembly should adopt, at its present session, a resolution authorizing certain measures so that the Secretary-General of the United Nations could receive in deposit such instruments of acceptance to the Conventions still in force and concluded under the auspices of the League of Nations as might be handed to him by any State Member of the United Nations or member of a specialized agency.

32. The draft resolution authorized the Secretary-General to receive in deposit the instruments of acceptance of new States Members of the United Nations or members of a specialized agency, if the majority of the States Parties to those Conventions had not objected, within a period of twelve months, to opening the Conventions in question to accession.

33. The representatives who presented the proposal pointed out that the question was of interest to more than half of the States Members of the United Nations. Many representatives recognized the practical and immediate importance of the question, but expressed doubts regarding the proposed procedure as well as concerning some of the rules contained in it.

34. It was pointed out, for example, that the drafting of a formal protocol in the opening to accession of the aforementioned Conventions, which would enter into effect when it had been accepted by the number of parties regarded as necessary by the protocol itself, would be more in accordance with international practice and the domestic constitutional laws of many States.

35. It was also pointed out that the consent of the parties should be expressed and not, as proposed, in the form of a mere assumed tacit acquiescence. That suggestion was taken up by the sponsors of the proposal in a further revised version (A/C.6/L.504/Rev.2), in the part relating to the legal effects of the instruments of acceptance deposited. They explained that that had been their intention in the corresponding part of the original proposal.

36. Several representatives were against any restriction of the principle of universality by reserving the procedure to be followed to specific categories of States, while excluding others. It was pointed out that the use of the term "all States" in the further revision of the draft resolution (A/C.6/L.504/Rev.2) would affirm the principle of universality and would raise no difficulties for anyone - the draft providing for the express consent of the parties to the convention - in the matter of the legal effects of the instruments of acceptance deposited. Every contracting State would thus be completely free to establish, or not to establish, treaty relations with any State wishing to accede to the convention or conventions in question. This interpretation was, however, rejected by one of the sponsors of the draft resolution.

37. The relationship between this proposal (A/C.6/L.504/Rev.2) and the question of the succession of States aroused the concern of a number of representatives. In their view, the determination of the States now parties to the Conventions in question involved a problem of the succession of States, since new States had been able to accede to old conventions under agreements made on their behalf by the States which formerly represented them in the international field. It was also

pointed out that the proposal was meant to apply to situations in which there were no problems of succession of States.

38. With regard to the nature of the acceptance, some representatives felt that it should be made clear that such acceptances could not be accompanied by "reservations", since that was a practice which had been introduced since the conclusion of conventions under the auspices of the League of Nations.

39. Finally, most representatives considered that a more thorough study was needed of the possible implications of the question. A number of representatives submitted a draft resolution (A/C.6/L.508), which was subsequently revised (A/C.6/L.508/Rev.1), requesting the International Law Commission to study the problem further - with special reference to the debate in the General Assembly - and to inform the General Assembly of the result of its studies in the report on the work of its fifteenth session, and requesting the inclusion of the question on the agenda of the next session of the General Assembly. Although some representatives considered that the problem involved in the participation of new States in treaties concluded under the auspices of the League of Nations would be more appropriately resolved by the General Assembly and had doubts regarding the suitability of referring the question to the International Law Commission, the Sixth Committee adopted the draft resolution (A/C.6/L.508/Rev.1).

2. Future work of the International Law Commission and planning of its work

(a) Programme of work of the Commission

40. All representatives who spoke in the debate endorsed the programme of work and order of priorities adopted by the Commission, and remarked on the skill with which the Committee of eight members established by the Commission had performed its task. There was also general agreement that it would be inadvisable for the time being to add any new topics which might overload the Commission's work programme, since the three main subjects in its programme - the law of treaties, State responsibility, and the succession of States and governments - were so wide, complex and important that they would occupy it for a number of years to come.

41. A great many representatives expressed satisfaction that in preparing its work programme the Commission had followed the directives and recommendations of the General Assembly, particularly those set forth in resolution 1505 (XV) of 12 December 1960 and resolution 1686 (XVI) of 18 December 1961. Several representatives declared that the Sixth Committee should continue to assist the Commission through its debates and recommendations. Others, without questioning the competence of the General Assembly to give directives to the Commission, expressed the view that the Commission should not have excessively rigid or redundant recommendations pressed upon it but that the organization of its work should be left to its own discretion. Some representatives stated that it was important for the Commission, in carrying out its work programme, to bear in mind recent developments in international law, in order that its progressive evolution might be guided in the direction indicated by the United Nations Charter and by the changes which the international community has undergone in the past few years.

(b) Law of treaties

42. Speaking of the Commission's future work on the law of treaties, a number of representatives hoped that the Commission would adopt a progressive attitude towards the validity and duration of unjust or inequitable treaties. They held that instruments which disregarded the principle of the sovereign equality of States, which had been obtained through extortion, violence or bad faith, or which contained provisions contrary to the fundamental principles of modern international law, were illegal and could not enjoy or continue to enjoy the protection of the principle pacta sunt servanda. They added that the Commission should place the law of treaties on the broadest and firmest foundation, paying due regard to current realities and to existing provisions of international law, such as the United Nations Charter, which proclaimed the sovereign equality of States and condemned the threat or use of force against the territorial integrity or political independence of any State.

43. Other representatives, while agreeing that the law of treaties should be built on the broadest and firmest possible foundation, maintained that emphasis should not be placed on only a few of its principles, such as the sovereign

equality of States, while other equally important principles, like that of strict compliance with the obligations arising out of treaties, were disregarded. To stress some principles to the detriment of others would place matters in the wrong perspective, for the Commission must eventually consider all pertinent principles. Several representatives noted that the problem of adapting old treaties to modern circumstances went beyond the strict limits of the law of treaties, since it was intimately bound up with the construction of an international régime allowing for peaceful changes in the existing legal order. It was also said that the invalidation of inherently unjust treaties should be studied objectively and carefully, for their general invalidation would merely endanger international peace and security, seeing that most peace and armistice treaties and agreements on the cessation of hostilities were preceded by the use of force and might consequently be regarded as unjust.

(c) State responsibility

44. The majority of representatives expressed approval of the Commission's new approach to the codification of State responsibility beginning with a study of the general aspects of the topic. Nevertheless, views had differed in the Sixth Committee on the scope of those general aspects of State responsibility and doubts had been expressed about whether it was suitable or possible at the present time to proceed with the codification of certain possible concrete aspects.

45. A fairly large number of representatives felt that the Commission should take into account recent changes in international life when codifying this topic. They saw no further reason to restrict codification to the traditional concept of responsibility for damages caused to aliens and their compensation, since that would evade the substance of the question and substitute matters of secondary for matters of primary importance. For example, it was said that modern international law should define the legal principles which should govern responsibility for acts endangering international peace and security in violation of the purposes and principles laid down in the United Nations Charter. Such acts included aggression, the threat or use of force, denial of the right to self-determination, violation of the principle of peaceful coexistence, and

violation of human rights. A study should be made of responsibility for damages caused to aliens, but that should not be the main or only aspect of State responsibility. Some representatives, referring to the problem of expropriation and nationalization, questioned the legality of rights acquired under the protection of the occupation of a colonized country.

46. Other representatives, on the contrary, insisted that in determining the scope to be given to the codification of State responsibility the Commission should first take into account those aspects of the question which were already ripe for codification. It was stressed that the essentially limited and technical classic concept of State responsibility hinged on the obligation to make reparation, its most highly developed aspect being responsibility and compensation for damages caused to aliens. If the Commission was to consider the aspects of State responsibility calling for legislation, it ought to avoid those which were not yet sufficiently systematized or generally accepted and which therefore might considerably delay its work on the topic. While the legal aspects of the concept should be codified, codification of its predominantly political aspects should be postponed.

47. Lastly, some representatives stated that, although the concept of State responsibility should be extended beyond the limits set for it in the traditional conception and raised to the level of general principles, an effort should be made not to extend it too far, lest it become linked with every branch of international law.

(d) Succession of States and Governments

48. The importance of codification of the rules of international law concerning the succession of States and Governments was acknowledged by all representatives who spoke on the subject. The majority emphasized the special importance which the topic now had for the new States which had attained independence since the Second World War as a result of the abolition of colonialism, and held that the Commission should pay particular attention to the practice followed and the experience acquired by these new States. Other representatives pointed out that the topic concerned all States, including States not concerned with the elimination of the colonial system.

49. During the debate some views were advanced on the way in which the Commission should approach the codification of rules governing the succession of States and Governments. For example, it was said that, although a distinction between the succession of States and the succession of Governments was not always easy to draw, rules concerning the two should not be confused, and that to avoid this the Commission should take care not to consider the concepts of State and of Government identical. With respect to the priority to be given to the codification of those rules, some representatives said that, if that question should arise, codification of the succession of Governments was just as urgent as codification of the succession of States. In that event, however, the majority seemed to prefer to avoid any delay in the codification of rules governing the succession of States. It was also said that in the codification of this topic the Commission should be guided by the idea that it was necessary to protect the sovereignty of the new States, especially over their natural resources. Lastly, reference was made to the peaceful revision of treaties concluded before the attainment of independence by new States and involving them in obligations.

(e) Establishment by the Commission of two sub-committees on State responsibility and on the succession of States and Governments

50. The establishment by the Commission of sub-committees to undertake the necessary work preparatory to codification of State responsibility and of the succession of States and governments was generally welcomed. Many representatives thought that their establishment was called for by the complexity and scope of the subjects they were to study, and would be bound to speed up the codification of the important questions entrusted to them. On the question whether this method of work should be used more generally, some representatives thought that a decision would be premature and they should wait until experience showed whether the innovation was justified.

(f) Relations between States and inter-governmental organizations

51. Most of the representatives welcomed the Commission's appointment of Mr. El-Erian as Special Rapporteur on relations between States and inter-

governmental organizations. A number of representatives stressed the importance that the question had acquired in international relations; some thought that a very valuable study could be made within the topic of such questions as the international personality of international organizations, their capacity to enter into treaties, their international responsibility, and the privileges and immunities of the staffs of international organizations.

(g) Special missions

52. Certain representatives thought that codification of the topic "special missions" would supplement the codification of the rules governing diplomatic relations, and so contribute to the advancement of international law and the strengthening of international co-operation.

(h) Suggestions for accelerating the Commission's work

53. Some representatives expressed the opinion that, to avoid waste of time, the Commission should give its special rapporteurs clear and precise instructions on the range and scope of the topics, following the criterion adopted in 1961 for the codification of the law of treaties.

54. During the debate the Austrian representative referred to the need to speed up the Commission's preparatory work. He recalled the list of organizations concerned with international law prepared for the Commission by the Secretariat in 1949,[1] the information and studies sent by those organizations to the Commission at that time, and the resolve expressed in the Commission's report on the work of its third session[2] to rely to a greater extent on the contributions of unofficial groups, and proposed that: (1) the Secretariat should prepare a new list of international and national organizations, official or unofficial, concerned with questions of international law; (2) steps should be taken to encourage contributions by unofficial organizations of jurists to the codification of topics included in the Commission's work programme; (3) the United Nations

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1/ A/CN.4/14. Mimeographied.

2/ See Official Records of the General Assembly, Sixth Session, Supplement No. 9, para. 90.

should from time to time organize seminars on international law to facilitate the Commission's preparatory work.

3. Other decisions and conclusions of the Commission

(a) Co-operation of the Commission with other bodies

55. A number of representatives welcomed the Commission's continued co-operation with the Inter-American Council of Jurists and the Asian-African Legal Consultative Committee, and hoped that it would continue to develop and its foundations to become ever firmer and more durable. Some representatives thought that the Commission's report should state the results obtained more clearly. The Commission's decision to send observers to the forthcoming meetings of the Inter-American Council of Jurists and the Asian-African Legal Consultative Committee was also welcomed, particularly since some of the topics in its work programme appeared on the agenda of those meetings.

(b) Date and place of the next session

56. The suggestion in paragraph 83 of the Commission's report that its session should begin on the first Monday in May was approved by all the representatives who spoke on the subject. They emphasized that it would be most desirable if the General Assembly, when it discussed the "pattern of conferences" established by its resolution 1202 (XII), altered the rule obliging the Commission to begin its sessions at the end of April. In a letter sent to the Chairman of the Fifth Committee on 9 November 1962, the Chairman of the Sixth Committee had drawn attention on his Committee's behalf to the suggestior in paragraph 83 of the Commission's report in order that, for the reasons given in the paragraph it might be considered when item 65 of the General Assembly's agenda, entitled "Review of the pattern of conferences", came up for discussion.

(c) Prcduction of documents, summary records and translation facilities

57. Several representatives hoped that the inadequacies of the technical services placed at the Commission's disposal for the production of documents, summary records and translations would be remedied, and supported the proposal that the Secretary-General be requested to do so (A/C.6/L.503, para. 5).

VOTING

58. At its 747th meeting, held on 26 October 1962, the Sixth Committee unanimously adopted the sixteen-Power draft resolution (A/C.6/L.503).

59. The revised draft resolution submitted by Ghana, India and Indonesia (A/C.6/L.508/Rev.1) was also adopted unanimously at the 752nd meeting of the Sixth Committee, held on 2 November 1962.

RECOMMENDATIONS OF THE SIXTH COMMITTEE

60. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FOURTEENTH SESSION

/Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below./

Draft resolution II

QUESTION OF EXTENDED PARTICIPATION IN GENERAL MULTILATERAL TREATIES CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS

/Text adopted by the General Assembly without change. See "Resolutions adopted by the General Assembly" below./

(b) Resolutions adopted by the General Assembly

At its 1171st plenary meeting, on 20 November 1962, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (para. 60 above). For the final texts, see resolutions 1765 (XVII) and 1766 (XVII) below.

1765 (XVII). REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FOURTEENTH SESSION

The General Assembly,

Having considered the report of the International Law Commission covering the work of its fourteenth session (A/5209 and Corr.1),

Recalling resolution 1686 (XVI) of 18 December 1961, by which the General Assembly recommended that the Commission should consider its future programme of work and report its conclusions to the General Assembly,

Emphasizing the need for the further codification and progressive development of international law with a view to making it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Noting that, as regards State responsibility and succession of States and Governments, the International Law Commission, in order to expedite its work, has established two sub-committees, which are to meet at Geneva in January 1963 and report to the Commission at its fifteenth session,

Bearing in mind that the sub-committees are to study the scope of, and approach to, these topics, and that the work of the Sub-Committee on State Responsibility is to be devoted primarily to the general aspects of that topic,

1. Takes note of the report of the International Law Commission covering the work of its fourteenth session;

2. Expresses its appreciation to the Commission for the work accomplished at its fourteenth session, especially with regard to the law of treaties;

3. Recommends that the Commission should:

(a) Continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the seventeenth session of the General Assembly and the comments which may be submitted by Governments, in order that the law of treaties may be placed upon the widest and most secure foundations;

(b) Continue its work on State responsibility, taking into account the views expressed at the seventeenth session of the General Assembly and the report of the Sub-Committee on State Responsibility and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations;

(c) Continue its work on the succession of States and Governments, taking into account the views expressed at the seventeenth session of the General Assembly and the report of the Sub-Committee on the succession of States and Governments, with appropriate reference to the views of States which have achieved independence since the Second World War;

4. Requests the Secretary-General to forward to the International Law Commission the records of the discussions at the seventeenth session of the General Assembly on the report of the Commission;

5. Further requests the Secretary-General to provide the Commission with the necessary technical services referred to in paragraphs 84 and 85 of its report.

1171st plenary meeting,
20 November 1962.

1766 (XVII). QUESTION OF EXTENDED PARTICIPATION IN GENERAL MULTILATERAL TREATIES CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS

The General Assembly,

Taking note of paragraph 10 of the commentary to articles 8 and 9 of the draft articles on the law of treaties contained in the report of the International Law Commission covering the work of its fourteenth session (A/5209 and Corr.1),

Desiring to give further consideration to this question,

1. Requests the International Law Commission to study further the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, giving due consideration to the views expressed during the discussions at the seventeenth session of the General Assembly, and to include the results of the study in the report of the Commission covering the work of its fifteenth session;

2. Decides to place on the provisional agenda of its eighteenth session an item entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations".

1171st plenary meeting,
20 November 1962.

B. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. GENERAL CONFERENCE - TWELFTH SESSION
(9 November-12 December 1962)

12 C/REP/4
PARIS, 30 November 1962
/Translated from the French/

FOURTH REPORT OF THE LEGAL COMMITTEE

Item 13.2 of the Agenda - Interpretation of Article IV, paragraph 4, of the Constitution (submission of conventions and recommendations to the competent authorities)

....

4. The question put to the Legal Committee hinges upon the meaning to be attached to the term "competent authorities" in Article IV, paragraph 4, of the Constitution. The relevant sentence in this paragraph is as follows:

> "... Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted."

5. The Legal Committee believed that the question, thus stated, in no way implied that UNESCO must determine which internal bodies in each State actually constituted the competent authorities to which a convention or recommendation should be submitted. The determination of such a point raised questions of constitutional law which could be answered only in the light of the domestic law of each State. On the other hand, the Committee thought that the general question of defining the nature of such competent authorities, as understood in the Constitution, was indeed a matter of interpreting the Constitution, a question on which the Committee should pronounce, subject to the competence of the International Court of Justice or the arbitral tribunal prescribed in Article XIV of the Constitution.

6. For this purpose, the Legal Committee took cognizance of the information contained in document 12 C/12 concerning both the background of the relevant provision of the Constitution and the analogous constitutional provisions or

regulations in force in other specialized agencies. The Committee was also informed of the Reports Committee's discussions and conclusions on this question at the eleventh session of the General Conference.

7. After a preliminary exchange of views, the Legal Committee directed its chief attention towards the passage in document 12 C/12 which describes the provisions in force in the International Labour Organisation, and its practice as regards the nature of the "competent authority", in the meaning of Article 19 of its Constitution. That practice is described as follows in the Memorandum of the Governing Body of the International Labour Office, quoted in paragraph 30 of document 12 C/12:

> "I. Nature of the Competent Authority
>
> The expression 'competent authority' means the body empowered to legislate in respect of the questions to which the convention or recommendations relate, i.e., as a rule, the Parliament. The Committee is aware that in certain cases the power to legislate may be conferred on the governmental organ vested with executive power or the power to ratify, either because the national Constitution does not provide for the separation of powers, or in virtue of constitutional provisions which empower the executive to legislate in certain matters, or as a result of a general or special delegation of powers granted by Parliament to the Government. The Committee therefore considers it necessary for the Government of a State Member to indicate on each occasion, with regard to each convention or recommendation, what authority is regarded as competent."

8. In this connexion, some members of the Legal Committee pointed out that the practice of the International Labour Organisation, as set forth in the foregoing passage, was based on texts similar to UNESCO's Constitution, and might well serve as a starting-point for a definition of the practice to be followed by UNESCO in this matter.

9. Other members of the Committee pointed out that the wide variety of fields in which UNESCO was called upon to lay down standards would no doubt make it impossible to adopt this practice too rigidly. Lastly, several members urged that UNESCO should not intervene in matters relating essentially to the domestic jurisdiction of Member States.

10. The Legal Committee felt it necessary to emphasize, in the first place, that it would be highly desirable for UNESCO to incorporate either in its Rules or in

the form of a Memorandum approved by the competent bodies of the Organization, a suitable definition of the practice to be followed by Member States in fulfilling their constitutional obligations, and in the procedure to be adopted within the Organization in asking for and considering the reports to be submitted by Member States on action taken by them with regard to conventions and recommendations.

11. In this text the Committee agreed that the "Rules of Procedure concerning recommendations to Member States and international conventions", adopted by the General Conference at its fifth session, were not sufficiently explicit on the subject of the obligation to submit conventions and recommendations to the competent authorities, as prescribed by Article IV, paragraph 4, of the Constitution. The general opinion was that these Rules of Procedure would benefit from revision in the light of the discussions held on this subject by the Reports Committee and by the Legal Committee, with due allowance for whatever opinion the Legal Committee might express on the specific question submitted to it regarding the meaning of the terms "competent authorities".

12. The Committee also observed that, contrary to the position in the International Labour Organisation, for example, neither the Constitution of UNESCO nor the above-mentioned Rules of Procedure contained any provision covering the special position of federal States. In the same connexion, some members asked that allowance should also be made for the situation of certain States in which large spheres of activity of outstanding interest to UNESCO, such as that of education, were often not under the authority of a single central organization, but were controlled by decentralized or regional bodies.

13. Against this same background, the Legal Adviser of the Organization outlined the problems arising in connexion with the consideration by the General Conference of the special reports submitted by Member States on action taken by them upon conventions and recommendations. He noted that the first of these special reports had in any event to be submitted two months before the opening of the first ordinary session of the General Conference following that at which the convention or recommendation was adopted, and that they therefore dealt essentially with the procedure for submitting such texts to the "competent authorities". He further indicated that in the very

near future Member States could be required to furnish supplementary reports on the implementation of previously adopted conventions and recommendations. It would be for the General Conference to determine the content of these reports, which would be of a different nature from that of the initial reports, and it would be advisable to specify in what manner the plan or outline of these supplementary reports should be drawn up, and what procedure should be adopted for considering them. The Legal Committee did not enter into an examination of these questions.

14. In view of the foregoing considerations, the Legal Committee decided unanimously to express the following opinion:

> "The competent authorities, in the meaning of Article IV, paragraph 4, of the Constitution, are those empowered, under the Constitution or the laws of each Member State, to enact the laws, issue the regulations or take any other measures necessary to give effect to conventions or recommendations. It is for the Government of each Member State to specify and indicate those authorities which are competent in respect of each convention and recommendation."

2. STATUTES OF THE INTERNATIONAL INSTITUTE FOR EDUCATIONAL PLANNING

Article I

Establishment of the Institute

An International Institute for Educational Planning (hereinafter termed "the Institute") is hereby established within the framework of the United Nations Educational, Scientific and Cultural Organization.

Article II

Aims and functions

The purpose of the Institute is to promote instruction and research on educational planning in relation to economic and social development.

To realize this purpose, the Institute will:

(a) provide instruction, by organizing in-service training courses, seminars and symposia, for senior civil servants, educational planners

and economists or experts attached to institutions responsible for the promotion of social and economic development;

(b) endeavour to co-ordinate existing knowledge and experience gained on this subject, and to promote research into new concepts and methods of educational planning likely to further economic and social development.

Article III

Governing Board

Membership

1. The Institute shall be administered by a Governing Board (hereinafter called "the Board"), consisting of:

(a) the Director-General of UNESCO or his representative, the Secretary-General of the United Nations or his representative, the President of the International Bank for Reconstruction and Development or his representative;

(b) the following persons who shall hold office in turn for a period of three years in the following order:

the Director-General of the International Labour Office or his representative,

the Director-General of the United Nations Food and Agriculture Organization or his representative,

the Director-General of the World Health Organization or his representative;

(c) and the following persons, who shall hold office in turn for a period of three years in the following order:

the Directors of the three regional institutes for economic planning established by the United Nations Economic Commission for Latin America, the United Nations Economic Commission for Asia and the Far East and the United Nations Economic Commission for Africa, respectively.

The members referred to in sub-paragraphs (a), (b) and (c) of the present paragraph may appoint deputies who shall be empowered to represent them at meetings of the Board.

(d) two educators recognized for their contribution in the field of human resource development;

(e) three members elected from among educators, economists and other specialists, one of whom shall be from each of Latin America, Asia and Africa, who have made contributions in the field of human resource development.

The members referred to in sub-paragraphs (d) and (e) shall be elected for a period of four years, in accordance with the provisions of paragraph 2 of the present article. They shall be eligible for re-election.

(f) a Chairman elected from among educators, economists and other specialists of international repute in the field of human resource development. He shall hold office for five years, and shall be eligible for re-election.

2. Should a seat on the Board fall vacant through expiry of a member's term of office or through death or resignation, the members of the Board mentioned in sub-paragraphs (d), (e) and (f) shall be elected by the Board as a whole. For the purpose of setting up the first Board, however, they shall be elected solely by the five members of the Board mentioned in sub-paragraphs (a), (b) and (c).

3. When the Directors-General of the International Labour Office, the United Nations Food and Agriculture Organization and the World Health Organization and the Directors of the three regional institutes for economic planning are not exercising the functions referred to in sub-paragraphs (b) and (c), respectively, of paragraph 1, they shall be invited to appoint representatives who shall express their views and participate in the Board's deliberations without the right to vote.

Article IV

Functions

The Board shall determine the general policy and the nature of the Institute's activities.

It shall decide how the funds available for the operation of the Institute are to be used, in accordance with the provisions of Article VIII, and shall adopt the budget. The budget ceiling shall not exceed the total sum available, including contributions and subventions paid to the Institute under formal agreement for the relevant financial year.

The Board shall lay down conditions for the admission of participants to the Institute's courses and meetings. It shall make whatever general arrangements it may deem necessary for the administration of the Institute and for the general supervision of the activities of the Director.

The Board shall be consulted as to the appointment of the senior officials of the Institute and shall make recommendations to the Director-General of UNESCO as to the appointment of the Director.

The Board shall submit a report on the Institute's activities to each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

Article V

Procedure

1. The Board shall meet in ordinary session once a year. It may meet in extraordinary session when convened by its Chairman, either on his own initiative or at the request of four of its members.

2. The Board shall adopt its own Rules of Procedure.

3. The Board shall set up an Executive Committee consisting of its Chairman, the three members mentioned in Article III, paragraph 1 (a), and two members to be appointed in accordance with the provisions of the Rules of Procedure. Between the sessions of the Board, the Executive Committee shall perform the functions assigned to it by the Board.

Article VI

The Director

The Director of the Institute shall be appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization on the recommendation of the Governing Board.

The Director shall be responsible for the administration of the Institute. He shall prepare its draft programme of work and budget and estimates and submit them to the Board for approval.

Subject to the latter's approval, he shall draw up detailed plans for teaching and research, and shall direct their execution.

Article VII

1. The Director and members of the staff of the Institute shall be regarded as officials of UNESCO within the meaning of Article VI, Section 18, of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The working hours for specialized staff members of the Institute, and in particular its teaching staff, shall be so calculated as to enable them to devote sufficient time to a study of problems arising in the field of educational and economic planning.

3. Members of the Institute's specialized staff may be authorized, under conditions to be laid down by the Director, to take part in research and planning or in surveys organized by other international institutions or by governments on questions which fall within the Institute's field of competence. In no case, however, may the loan of the services of a staff member of the Institute entail interruption or serious delay in the instruction provided by the Institute.

Article VIII

Finance

1. The funds set aside for the operation of the Institute shall consist of the annual allocation determined by the General Conference of the United Nations Educational, Scientific and Cultural Organization of such subventions, gifts and bequests as are allocated to it by other United Nations agencies, governments, public or private organizations, associations or individuals, and of fees collected for special purposes.

2. Funds allocated for the operation of the Institute shall be paid into a special account to be set up by the Director-General of the United Nations Educational, Scientific and Cultural Organization, in accordance with the relevant provisions of the Organization's Financial Regulations. This special account shall

be operated and the Institute's budget administered in accordance with the above-mentioned provisions.

3. Upon termination of the life of the Institute its assets shall be vested in UNESCO.

Article IX

Transitional provisions

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall make all necessary arrangements for the Institute's entry into operation and for the establishment of its Governing Board. For this purpose, pending the adoption of the Institute's first annual budget, the Director-General shall incur the necessary expenditure from funds voted by the General Conference.

2. Notwithstanding the provisions of Articles IV and VI, the Director-General of UNESCO shall appoint the first Director and, in agreement with the latter, the first senior officials of the Institute without consulting the Governing Board.

Text of the Accompanying Resolution

.213 The General Conference,

Noting that the importance of co-ordinating educational plans with over-all national plans for social and economic development was stressed by the United Nations General Assembly (resolution 1717 (XVI)),

Noting also that the recent meetings of Ministers of Education of Africa (Paris, March 1962) and Asia (Tokyo, April 1962), and the Conference on Education and Economic and Social Development in Latin America (Santiago, Chile, March 1962), as well as the meeting of representatives of the Ministers of Education of the Arab States (Beirut, February 1960) have all emphasized the need for long-term educational planning as an essential means for promoting social and economic development,

Noting further Recommendation No. 54 of the XXVth International Conference on Public Education,

Considering the rapidly increasing demand from Member States for assistance in drawing up their national educational plans, in establishing planning offices and for training personnel,

Taking into account the demands for detailed educational planning required by the international and other financial agencies which are granting credits for educational development,

Realizing the severe world-wide shortage of personnel qualified in educational planning and the need for research into the basic problems involved in designing and implementing educational plans,

Taking into account the recommendations of the report of the Committee of Consultants on the International Institute of Educational Planning contained in document 12 C/PRG/19, Annex I,

Recognizing the need of existing and proposed regional centres for assistance in developing their training programmes in educational planning, grounded in research,

Taking into account the importance of studying and disseminating the experience of all countries which are applying a system of educational planning,

Being informed of the results of the consultations between the Director-General and the President of the International Bank for Reconstruction and Development and the responsible officers of other institutes interested in the training of personnel for educational planning,

Decides to establish in Paris an International Institute for Educational Planning in accordance with the Approved Statutes annexed to this resolution;

Authorizes the Director-General:

(a) to take such action as may be needed to ensure establishment of the Institute in accordance with the statutes, in consultation with the International Bank for Reconstruction and Development, the other organizations of the United Nations system, interested universities and foundations and other appropriate bodies; and

(b) to accept on behalf of the Institute financial or other assistance from the interested appropriate international, regional or national organizations, governmental and non-governmental, in conformity with UNESCO regulations and subject to the approval of the Governing Board of the Institute.

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UNITED NATIONS JURIDICAL YEARBOOK, 1962

Provisional edition

Fascicle 2

* For technical reasons, the present volume has been divided into two fascicles. The first fascicle consists of the Table of Contents, an Explanatory Note and Chapters I through III; the second fascicle contains Chapters IV through X.

CHAPTER IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. UNITED NATIONS

CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES. ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 7 NOVEMBER 1962.

Preamble

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.

Article 10

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.

IN FAITH WHEREOF the undersigned, being duly authorized, have signed, and on behalf of their respective Governments, the present Convention which was opened for signature at the Headquarters of the United Nations, New York, on the tenth day of December, one thousand nine hundred and sixty-two.

2. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

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. ADOPTED BY THE GENERAL CONFERENCE AT ITS TWELFTH SESSION, PARIS, 10 DECEMBER 1962.

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 9 November to 12 December 1962, at its twelfth session,

Having adopted, at its eleventh session, the Convention against Discrimination in Education,

Desirous of facilitating the implementation of that Convention, and

Considering that it is important, for this purpose, to institute a Conciliation and Good Offices Commission to be responsible for seeking the amicable settlement of any disputes which may arise between States Parties to the Convention, concerning its application or interpretation,

Adopts this Protocol on the tenth day of December 1962;

Article 1

There shall be established under the auspices of the United Nations Educational, Scientific and Cultural Organization a Conciliation and Good Offices Commission, hereinafter referred to as the Commission, to be responsible for seeking the

/...

amicable settlement of disputes between States Parties to the Convention against Discrimination in Education, hereinafter referred to as the Convention, concerning the application or interpretation of the Convention.

Article 2

1. The Commission shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality and shall be elected by the General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as the General Conference.
2. The members of the Commission shall serve in their personal capacity.

Article 3

1. The members of the Commission shall be elected from a list of persons nominated for the purpose by the States Parties to this Protocol. Each State shall, after consulting its National Commission for UNESCO, nominate not more than four persons. These persons must be nationals of States Parties to this Protocol.
2. At least four months before the date of each election to the Commission, the Director-General of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as the Director-General, shall invite the States Parties to the present Protocol to send within two months, their nominations of the persons referred to in paragraph 1 of this article. He shall prepare a list in alphabetical order of the persons thus nominated and shall submit it, at least one month before the election, to the Executive Board of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as the Executive Board, and to the States Parties to the Convention. The Executive Board shall transmit the aforementioned list, with such suggestions as it may consider useful, to the General Conference, which shall carry out the election of members of the Commission in conformity with the procedure it normally follows in elections of two or more persons.

Article 4

1. The Commission may not include more than one national of the same State.

2. In the election of members of the Commission, the General Conference shall endeavour to include persons of recognized competence in the field of education and persons having judicial experience, or legal experience particularly of an international character. It shall also give consideration to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

Article 5

The members of the Commission shall be elected for a term of six years. They shall be eligible for re-election if re-nominated. The terms of four of the members elected at the first election shall, however, expire at the end of two years, and the terms of three other members at the end of four years. Immediately after the first election, the names of these members shall be chosen by lot by the President of the General Conference.

Article 6

1. In the event of the death or resignation of a member of the Commission, the Chairman shall immediately notify the Director-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Commission has ceased to carry out his functions for any cause other than absence of a temporary character or is unable to continue the discharge of his duties, the Chairman of the Commission shall notify the Director-General and shall thereupon declare the seat of such member to be vacant.

3. The Director-General shall inform the Member States of the United Nations Educational, Scientific and Cultural Organization, and any States not members of the Organization which have become Parties to this Protocol under the provisions of article 23, of any vacancies which have occurred in accordance with paragraphs 1 and 2 of this article.

4. In each of the cases provided for by paragraphs 1 and 2 of this article, the General Conference shall arrange for the replacement of the member whose seat has fallen vacant, for the unexpired portion of his term of office.

Article 7

Subject to the provisions of article 6, a member of the Commission shall remain in office until his successor takes up his duties.

Article 8

1. If the Commission does not include a member of the nationality of a State which is party to a dispute referred to it under the provisions of article 12 or article 13, that State, or if there is more than one, each of those States, may choose a person to sit on the Commission as a member ad hoc.

2. The State thus choosing a member ad hoc shall have regard to the qualities required of members of the Commission by virtue of article 2, paragraph 1, and article 4, paragraphs 1 and 2. Any member ad hoc thus chosen shall be of the nationality of the State which chooses him or of a State Party to the Protocol, and shall serve in a personal capacity.

3. Should there be several States Parties to the dispute having the same interest they shall, for the purpose of choosing members ad hoc, be reckoned as one party only. The manner in which this provision shall be applied shall be determined by the Rules of Procedure of the Commission referred to in article 11.

Article 9

Members of the Commission and members ad hoc chosen under the provisions of article 8 shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Commission from the resources of the United Nations Educational, Scientific and Cultural Organization on terms laid down by the Executive Board.

Article 10

The Secretariat of the Commission shall be provided by the Director-General.

Article 11

1. The Commission shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Commission shall establish its own Rules of Procedure, but these rules shall provide, inter alia, that:

(a) Two-thirds of the members, including the members ad hoc, if any, shall shall constitute a quorum.

(b) Decisions of the Commission shall be made by a majority vote of the members and members ad hoc present; if the votes are equally divided, the Chairman shall have a casting vote.

(c) If a State refers a matter to the Commission under article 12 or article 13:

(i) such State, the State complained against, and any State Party to this Protocol whose national is concerned in such matter may make submissions in writing to the Commission;

(ii) Such State and the State complained against shall have the right to be represented at the hearings of the matter and to make submissions orally.

3. The Commission, on the occasion when it first proposes to establish its Rules of Procedure, shall send them in draft form to the States then Parties to the Protocol who may communicate any observation and suggestion they may wish to make within three months. The Commission shall re-examine its Rules of Procedure if at any time so requested by any State Party to the Protocol.

Article 12

1. If a State Party to this Protocol considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.

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 to the Commission, by notice given to the Director-General and to the other State.

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3. The provisions of the preceding paragraphs shall not affect the rights of States Parties to have recourse, in accordance with general or special international agreements in force between them, to other procedures for settling disputes including that of referring disputes by mutual consent to the Permanent Court of Arbitration at The Hague.

Article 13

From the beginning of the sixth year after the entry into force of this Protocol, the Commission may also be made responsible for seeking the settlement of any dispute concerning the application or interpretation of the Convention arising between States which are Parties to the Convention but are not, or are not all, Parties to this Protocol, if the said States agree to submit such dispute to the Commission. The conditions to be fulfilled by the said States in reaching agreement shall be laid down by the Commission's Rules of Procedure.

Article 14

The Commission shall deal with a matter referred to it under article 12 or article 13 of this Protocol only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized prinicples of international law.

Article 15

Except in cases where new elements have been submitted to it, the Commission shall not consider matters it has already dealt with.

Article 16

In any matter referred to it, the Commission may call upon the States concerned to supply any relevant information.

Article 17

1. Subject to the provisions of article 14, the Commission, after obtaining all the information it thinks necessary, shall ascertain the facts, and make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

2. The Commission shall in every case, and in no event later than eighteen months after the date of receipt by the Director-General of the notice under article 12, paragraph 2, draw up a report in accordance with the provisions of paragraph 3 below which will be sent to the States concerned and then communicated to the Director-General for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article 18, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Commission shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent in whole or in part the unanimous opinion of the members of the Commission, any member of the Commission shall be entitled to attach to it a separate opinion. The written and oral submissions made by the parties to the case in accordance with article 11, paragraph 2 (c), shall be attached to the report.

Article 18

The Commission may recommend to the Executive Board, or to the General Conference if the recommendation is made within two months before the opening of one of its sessions, that the International Court of Justice be requested to give an advisory opinion on any legal question connected with a matter laid before the Commission.

Article 19

The Commission shall submit to the General Conference at each of its regular sessions a report on its activities, which shall be transmitted to the General Conference by the Executive Board.

Article 20

1. The Director-General shall convene the first meeting of the Commission at the Headquarters of the United Nations Educational, Scientific and Cultural Organization within three months after its nomination by the General Conference.

2. Subsequent meetings of the Commission shall be convened when necessary by the Chairman of the Commission to whom, as well as to all other members of the Commission, the Director-General shall transmit all matters referred to the Commission in accordance with the provisions of this Protocol.

3. Notwithstanding paragraph 2 of this article, when at least one-third of the members of the Commission consider that the Commission should examine a matter in accordance with the provisions of this Protocol, the Chairman shall on their so requiring convene a meeting of the Commission for that purpose.

Article 21

The present Protocol is drawn up in English, French, Russian and Spanish, all four texts being equally authentic.

Article 22

1. This Protocol shall be subject to ratification or acceptance by States Members of the United Nations Educational, Scientific and Cultural Organization which are Parties to the Convention.

2. The instruments of ratification or acceptance shall be deposited with the Director-General.

Article 23

1. This Protocol shall be open to accession by all States not Members of the United Nations Educational, Scientific and Cultural Organization which are Parties to the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General.

Article 24

This Protocol shall enter into force three months after the date of the deposit of the fifteenth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 25

Any State may, at the time of ratification, acceptance or accession or at any subsequent date, declare, by notification to the Director-General, that it agrees, with respect to any other State assuming the same obligation, to refer to the International Court of Justice, after the drafting of the report provided for in article 17, paragraph 3, any dispute covered by this Protocol on which no amicable solution has been reached in accordance with article 17, paragraph 1.

Article 26

1. Each State Party to this Protocol may denounce it.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.
3. Denunciation of the Convention shall automatically entail denunciation of this Protocol.
4. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. The State denouncing the Protocol shall, however, remain bound by its provisions in respect of any cases concerning it which have been referred to the Commission before the end of the time-limit stipulated in this paragraph.

Article 27

The Director-General shall inform the States Members of the United Nations Educational, Scientific and Cultural Organization, the States not Members of the Organization which are referred to in article 23, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in articles 22 and 23, and of the notifications and denunciations provided for in articles 25 and 26 respectively.

Article 28

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Done in Paris, this eighteenth day of December 1962, in two authentic copies bearing the signatures of the President of the twelfth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in articles 12 and 13 of the Convention against Discrimination in Education as well as to the United Nations.

The foregoing is the authentic text of the Protocol duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its twelfth session, which was held in Paris and declared closed the twelfth day of December 1962.

In faith whereof we have appended our signatures this eighteenth day of December 1962.

The President of the General Conference

PAULO E. DE BERREDO CARNEIRO

The Director-General

RENÉ MAHEU

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3. INTERNATIONAL CIVIL AVIATION ORGANIZATION.

AMENDMENT TO ARTICLE 48 (a) OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION INCREASING THE NUMBER OF STATES AT WHOSE REQUEST AN EXTRAORDINARY SESSION OF THE ASSEMBLY WOULD BE CALLED.

On 14 September 1962, the Assembly of ICAO adopted an amendment to article 48 (a) of the Convention on International Civil Aviation with the objective that the number of States at whose request an extraordinary session of the Assembly would be called should be increased from ten to not less than one-fifth of the total number of Contracting States. This amendment will come into force when ratified by sixty-six Contracting States.[1/]

1/ See the following documents: A14-WP/1, P/1, 20/12/61 Addendum, English - French - Spanish, Agenda of the Fourteenth Session of the Assembly. - Proposal for an Additional Item. (Presented by the United States of America). (1 page); C-WP/3509, 21/2/62, English - Subject No. 24.2: Assembly Agenda and Documentation. - Subject No. 27: Amendment of the Chicago Convention. (5 pages); C-WP/3510, 22/2/62, English - Subject No. 24.2: Assembly Agenda and Documentation. - Subject No. 27: Amendment of the Chicago Convention. (13 pages); C-WP/3543, 22/3/62, English - Subject No. 24.2: Assembly Agenda and Documentation. - Subject No. 27: Amendment of the Chicago Convention. (1 + 7 pages); Doc 8230-1, C/936-1, 21/5/62 - Council - Forty-fifth Session, Minutes of First Meeting, 19 March 1962, pp. 3-4, 7-15 (paras. 5-7, 22-58); Doc 8230-10 (Open), C/936-10, 11/6/62 - Council, Forty-fifth Session, Minutes of Tenth Meeting, 11 April 1962, pp. 157, 166-167 (paras. 7, 59-72); A14-WP/55, EX/4, 26/3/62, English - French - Spanish - Executive Committee. - Proposal for Amendment of article 48 (a) of the Convention on International Civil Aviation. (Presented by the United States of America). (1 page); A.4-WP/56, EX/5, 20/6/62, English - French - Spanish - Comments of the Council on the Proposal of the United States of America for Amendment of article 48 (a) of the Convention on International Civil Aviation. (15 pages); Doc 8270, A14-EX/31, Report of the Executive Committee, Fourteenth Session of the Assembly. Rome, 21 August - 15 September 1962. English - French - Spanish, pp. 2, 15-18, 43-44 (paras. 6, 49-55); A14-Draft Min. EX/1 - Assembly, Fourteenth Session, Executive Committee, Minutes of the First Meeting, (Rome) 22 August 1962, English - French - Spanish, p. 1-2 (paras. 2-5); A14-Draft Min. EX/9 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Ninth Meeting (Rome) 3 September 1962, English - French - Spanish, pp. 1-13 (paras. 1-37); A14-Draft Min. EX/10 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Fourteenth Meeting, (Rome) 4 September 1962. English - French - Spanish, pp. 13-17 (paras. 53-70); A14-Draft Min. EX/16 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Sixteenth Meeting, (Rome) 11 September 1962. English French - Spanish, p. 3-4 (paras. 11-12); A14-Draft Min. P/2 - Fourteenth Session, Minutes of the Second Plenary Meeting, (Rome) 22 August 1962. English - French - Spanish, p. 28 (para. 27); A14-Draft Min. P/7 - Assembly - Fourteenth Session, Minutes of the Seventh Plenary Meeting, (Rome), 14 September 1962, English - French - Spanish, p. 11 (paras. 45-47); Assembly Resolution A14-5; Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 48 (a)).

4. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION.

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954.

Final Act of the Conference of Contracting Governments to the International Convention for the prevention of pollution of the sea by oil, 1954 (London, 11 April 1962):

1. Upon the request of the Governments of Denmark, Ireland, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, being parties to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, a Conference was convened at London from 4 April to 11 April 1962, in accordance with the provisions of paragraph (3) of article XVI of the said Convention, for the purpose of considering and adopting amendments to the Convention.

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6. The Conference considered amendments proposed by Contracting Governments and related to the provisions of articles I, II, III, IV, V, VI, VII, VIII, IX, X, XIV, XVI and XVIII and to annexes A and B of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

7. The Conference duly adopted each of the amendments to the Convention and requested the Inter-Governmental Maritime Consultative Organization, in accordance with the provisions of article XVI, paragraph (3) of the Convention, to communicate the amendments to the Contracting Governments for their acceptance. The amendments are annexed to this Final Act.

8. The Conference agreed to recommend to the Contracting Governments that the above-mentioned amendments should be accepted by Contracting Governments at the earliest practicable date.

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ANNEX

The following are the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954:

1. The existing text of Article 1 of the Convention is replaced by the following:

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Article I

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

"The Bureau" has the meaning assigned to it by article XXI:

"Discharge" in relation to oil or to oily mixture means any discharge or escape howsoever caused;

"Heavy diesel oil" means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.86/59;

"Mile" means a nautical mile of 6,080 feet or 1,852 metres;

"Oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil, and "oily" shall be construed accordingly;

"Oily mixture" means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

"Organization" means the Inter-Governmental Maritime Consultative Organization;

"Ship" means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and "tanker" means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under article XVIII.

2. The existing text of article II of the Convention is replaced by the following:

Article II

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(a) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reasonable and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(b) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(c) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(d) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in sub-paragraph (d) of paragraph (1) of this article.

3. The existing text of article III of the Convention is replaced by the following:

Article III

Subject to the provisions of articles IV and V:

(a) the discharge from a tanker to which the present Convention applies, within any of the prohibited zones referred to in annex A to the Convention, of oil or oily mixture shall be prohibited;

(b) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of article II, sub-paragraph (a) of this article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in article VIII;

(c) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in annex A to the Convention. The reasons for such discharge shall be reported to the Contracting Government of the relevant territory in respect of the ship in accordance with paragraph (1) of article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

4. The existing text of article IV of the Convention is replaced by the following:

Article IV

Article III shall not apply to:

(a) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;

(b) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

5. The existing text of article V of the Convention is replaced by the following:

Article V

Article III shall not apply to the discharge from the bilges of a ship:

(a) during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of article II, of oily mixture;

(b) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

6. The existing text of article VI of the Convention is replaced by the following:

Article VI

(1) Any contravention of articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

7. The existing text of article VII of the Convention is replaced by the following:

Article VII

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

8. The existing text of article VIII of the Convention is replaced by the following:

Article VIII

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(a) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of such residues and oily mixtures as would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(b) oil loading terminals shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(c) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this article.

(3) As regards paragraph (1) of this article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

9. The existing text of article IX of the Convention is replaced by the following:

Article IX

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(a) ballasting of and discharge of ballast from cargo tanks of tankers;

(b) cleaning of cargo tanks of tankers;

(c) settling in slop tanks and discharge of water from tankers;

(d) disposal from tankers of oily residues from slop tanks or other sources;

(e) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(f) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

(g) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (c) of article III or in article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a

true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

10. The existing text of article X of the Convention is replaced by the following:

Article X

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

11. The existing text of article XIV of the Convention is replaced by the following:

Article XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to article XV, the Governments of States Members of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

(a) signature without reservation as to acceptance;

(b) signature subject to acceptance followed by acceptance; or

(c) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the present Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

12. The existing text of article XVI of the Convention is replaced by the following:

Article XVI

(1)(a) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(b) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2)(a) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(b) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3)(a) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of this article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

13. The existing text of article XVIII of the Convention is replaced by the following:

Article XVIII

(1)(a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing given to the Bureau declare that the Convention shall extend to such territory.

(b) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2)(a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may be a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

(b) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph (1) of this article, and of the termination of any such extension under the provisions of paragraph (2) stating in each case the date from which the Convention has been or will cease to be so extended.

14. The existing text of annex A to the Convention is replaced by the following:

Annex A

/Not reproduced/

15. The following changes to be made in Annex B to the Convention:

/Not reproduced/

5. INTERNATIONAL ATOMIC ENERGY AGENCY

INTERNATIONAL CONVENTION ON THE LIABILITY OF OPERATORS OF NUCLEAR SHIPS. ADOPTED AT THE ELEVENTH SESSION OF THE DIPLOMATIC CONFERENCE ON MARITIME LAW,1/ BRUSSELS, 25 MAY 1962.

The Contracting Parties,

Having recognized the desirability of determining by agreement certain uniform rules concerning the liability of operators of nuclear ships,

Have decided to conclude a Convention for this purpose, and thereto agreed as follows:

Article I

For the purposes of this Convention:

1. "Nuclear ship" means any ship equipped with a nuclear power plant.

2. "Licensing State" means the Contracting State which operates or which has authorized the operation of a nuclear ship under its flag.

3. "Person" means any individual or partnership, or any public or private body whether corporate or not, including a State or any of its constituent subdivisions.

4. "Operator" means the person authorized by the licensing State to operate a nuclear ship, or where a Contracting State operates a nuclear ship, that State.

5. "Nuclear fuel" means any material which is capable of producing energy by a self-sustaining process of nuclear fission and which is used or intended for use in a nuclear ship.

6. "Radioactive products or waste" means any material, including nuclear fuel, made radioactive by neutron irradiation incidental to the utilization of nuclear fuel in a nuclear ship.

7. "Nuclear damage" means loss of life or personal injury and loss or damage to property which arises out of or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or of radioactive products or waste; any other loss, damage or expense so arising or resulting shall be included only if and to the extent that the applicable national law so provides.

1/ Convened by the International Atomic Energy Agency and the Belgian Government.

8. "Nuclear incident" means any occurence or series of occurences having the same origin which causes nuclear damage.

9. "Nuclear power plant" means any power plant in which a nuclear reactor is, or is to be used as, the source of power, whether for propulsion of the ship or for any other purpose.

10. "Nuclear reactor" means any installation containing nuclear fuel in such an arrangement that a self-sustained chain process of nuclear fission can occur therein without an additional source of neutrons.

11. "Warship" means any ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government of such State and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

12. "Applicable national law" means the national law of the court having jurisdiction under the Convention including any rules of such national law relating to conflict of laws.

Article II

1. The operator of a nuclear ship shall be absolutely liable for any nuclear damage upon proof that such damage has been caused by a nuclear incident involving the nuclear fuel of, or radioactive products or waste produced in, such ship.

2. Except as otherwise provided in this Convention no person other than the operator shall be liable for such nuclear damage.

3. Nuclear damage suffered by the nuclear ship itself, its equipment, fuel or stores shall not be covered by the operator's liability as defined in this Convention.

4. The operator shall not be liable with respect to nuclear incidents occuring before the nuclear fuel has been taken in charge by him or after the nuclear fuel or radioactive products or waste have been taken in charge by another person duly authorized by law and liable for any nuclear damage that may be caused by them.

5. If the operator proves that the nuclear damage resulted wholly or partially from an act or omission done with intent to cause damage by the individual who suffered the damage, the competent courts may exonerate the operator wholly or partially from his liability to such individual.

6. Notwithstanding the provisions of paragraph 1 of this article, the operator shall have a right of recourse:

(a) If the nuclear incident results from a personal act or omission done with intent to cause damage, in which event recourse shall lie against the individual who has acted, or omitted to act with such intent;

(b) If the nuclear incident occurred as a consequence of any wreck-raising operation, against the person or persons who carried out such operation without the authority of the operator or of the State having licensed the sunken ship or of the State in whose waters the wreck is situated;

(c) If recourse is expressly provided for by contract.

Article III

1. The liability of the operator as regards one nuclear ship shall be limited to 1,500 million francs in respect of any one nuclear incident, notwithstanding that the nuclear incident may have resulted from any fault of privity of that operator; such limit shall include neither any interest nor costs awarded by a court in actions for compensation under this Convention.

2. The operator shall be required to maintain insurance, or other financial security covering his liability for nuclear damage, in such amount, of such type and in such terms as the licensing State shall specify. The licensing State shall ensure the payment of claims for compensation for nuclear damage established against the operator by providing the necessary funds up to the limit laid down in paragraph 1 of this article to the extent that the yield of the insurance or the financial security is inadequate to satisfy such claims.

3. However, nothing in paragraph 2 of this article shall require any Contracting State or any of its constituent subdivisions, such as States, Republics or Cantons, to maintain insurance or other financial security to cover their liability as operators of nuclear ships.

4. The franc mentioned in paragraph 1 of this article is a unit of account constituted by sixty-five and one half milligrams of gold of millesimal fineness nine hundred. The amount awarded may be converted into each national currency in round figures. Conversion into national currencies other than gold shall be effected on the basis of their gold at the date of payment.

Article IV

Whenever both nuclear damage and damage other than nuclear damage have been caused by a nuclear incident or jointly by a nuclear incident and one more other occurrences and the nuclear damage and such other damage are not reasonably separable, the entire damage shall, for the purposes of this Convention, be deemed to be nuclear damage exclusively caused by the nuclear incident. However, where damage is caused jointly by a nuclear incident covered by this Convention and by an emission of ionizing radiation or by an emission of ionizing radiation in combination with the toxic, explosive or other hazardous properties of the source of radiation not covered by it, nothing in this Convention shall limit or otherwise affect the liability, either as regards the victims or by way of recourse or contribution, of any person who may be held liable in connexion with the emission of ionizing radiation or by the toxic explosive or other hazardous properties of the source of radiation not covered by this Convention.

Article V

1. Rights of compensation under this Convention shall be extinguished if an action is not brought within ten years from the date of the nuclear incident. If, however, under the law of the licensing State the liability of the operator is covered by insurance or other financial security or State indemnification for a period longer than ten years, the applicable national law may provide that rights of compensation against the operator shall only be extinguished after a period which may be longer than ten years but shall not be longer than the period for which his liability is so covered under the law of the licensing State. However, such extension of the extinction period shall in no case affect the right of compensation under this Convention of any person who has brought an action for loss of life or personal injury against the operator before the expiry of the aforesaid period of ten years.

/...

2. Where nuclear damage is caused by nuclear fuel, radioactive products or waste which were stolen, lost, jettisoned, or abandoned, the period established under paragraph 1 of this article shall be computed from the date of the nuclear incident causing the nuclear damage, but the period shall in no case exceed a period of twenty years from the date of the theft, loss jettison or abandonment.

3. The applicable national law may establish a period of extinction or prescription of not less than three years from the date on which the person who claims to have suffered nuclear damage had knowledge or ought reasonably to have had knowledge of the damage and of the person responsible for the damage, provided that the period established under paragraphs 1 and 2 of this article shall not be exceeded.

4. Any person who claims to have suffered nuclear damage and who has brought an action for compensation within the period applicable under this article may amend this claim to take into account any aggravation of the damage, even after the expiry of that period, provided that final judgement has not been entered.

Article VI

Where provisions of national health insurance, social insurance, social security, workmen's compensation or occupational disease compensation systems include compensation for nuclear damage, rights of beneficiaries under such systems and rights of subrogation, or of recourse against the operator, by virtue of such systems, shall be determined by the law of the Contracting State having established such systems. However, if the law of such Contracting State allows claims of beneficiaries of such systems and such rights of subrogation and recourse to be brought against the operator in conformity with the terms of this Convention, this shall not result in the liability of the operator exceeding the amount specified in paragraph 1 of article III.

Article VII

1. Where nuclear damage engages the liability of more than one operator and the damage attributable to each operator is not reasonably separable, the operators involved shall be jointly and severally liable for such damage. However, the liability of any one operator shall not exceed the limit laid down in article III.

2. In the case of a nuclear incident where the nuclear damage arises out of or results from nuclear fuel or radioactive products or waste of more than one nuclear ship of the same operator, that operator shall be liable in respect of each ship up to the limit laid down in article III.

3. In case of joint and several liability, and subject to the provisions of paragraph 1 of this article:

(a) Each operator shall have a right of contribution against the others in proportion to the fault attaching to each of them;

(b) Where circumstances are such that the degree of fault cannot be apportioned, the total liability shall be borne in equal parts.

Article VIII

No liability under this Convention shall attach to an operator in respect to nuclear damage caused by a nuclear incident directly due to an act of war, hostilities, civil war or insurrection.

Article IX

The sums provided by insurance, by other financial security or by State indemnification in conformity with paragraph 2 of this article III shall be exclusively available for compensation due under this Convention.

Article X

1. Any action for compensation shall be brought, at the option of the claimant, either before the courts of the licensing State or before the courts of the Contracting State or States in whose territory nuclear damage has been sustained.

2. If the licensing State has been or might be called upon to ensure the payment of claims for compensation in accordance with paragraph 2 of article III of this Convention, it may intervene as party in any proceedings brought against the operator.

3. Any immunity from legal processes pursuant to rules of national or international law shall be waived with respect to duties or obligations arising under, or for the purpose of, this Convention. Nothing in this Convention shall

make warships or other State-owned or State-operated ships on non-commercial service liable to arrest, attachment or seizure or confer jurisdiction in respect of warships on the courts of any foreign State.

Article XI

1. When, having regard to the likelihood of any claims arising out of a nuclear incident exceeding the amount specified in article III of this Convention, a court of the licensing State, at the request of the operator, a claimant or the licensing State, so certifies, the operator or the licensing State shall make that amount available in that court to pay any such claims; that amount shall be regarded as constituting the limitation fund in respect of that incident.

2. The amount may be made available for the purposes of the preceding paragraph by payment into court or by the provision of security or guarantees sufficient to satisfy the court that the money will be available when required to meet any established claim.

3. After the fund has been constituted in accordance with paragraph 1 of this article the court of the licensing State shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

4. (a) A final judgement entered by a court having jurisdiction under article X shall be recognized in the territory of any other Contracting State, except:

(i) where the judgement was obtained by fraud; or

(ii) the operator was not given a fair opportunity to present his case;

(b) A final judgement which is recognized shall, upon being presented for enforcement in accordance with the formalities required by the law of the Contracting State where enforcement is sought, be enforceable as if it were a judgement of a court of that State;

(c) The merits of a claim on which the judgement has been given shall not be subject to further proceedings.

5. (a) If a person who is a national of a Contracting State, other than the operator, has paid compensation for nuclear damage under an International Convention or under the law of a non-Contracting State, such person shall, up to the amount which he has paid, acquire by subrogation the rights which the person

so compensated would have enjoyed under this Convention. However, no rights shall be so acquired by any person if and to the extent that the operator has a right of recourse or contribution against such person under this Convention;

(b) If a limitation fund has been set up and

(i) the operator has paid, prior to its being set up, compensation for nuclear damage; or

(ii) the operator has paid, after it has been set up, compensation for nuclear damage under an International Convention or the law of a non-Contracting State,

he shall be entitled to recover from the fund, up to the amount which he has paid, the amount which the person so compensated would have obtained in the distribution of the fund;

(c) If no limitation fund is set up, nothing in this Convention shall preclude an operator, who has paid compensation for nuclear damage out of funds other than those provided pursuant to paragraph 2 of article III, from recovering from the person providing financial security under paragraph 2 of article III or from the licensing State, up to the amount he has paid, the sum which the person so compensated would have obtained under this Convention;

(d) In this paragraph the expression "a national of a Contracting State" shall include a Contracting State or any of its constituent sub-divisions or a partnership or any public or private body whether corporate or not established in a Contracting State.

6. Where no fund has been constituted under the provisions of this article, the licensing State shall adopt such measures as are necessary to ensure that adequate sums provided by it or by insurance or other financial security in accordance with paragraph 2 of article III, shall be available for the satisfaction of any claim established by a judgement of a court of any other Contracting State which would be recognized under paragraph 4 of this article; the sums shall be made available, at the option of the claimant, either in the licensing State or in the Contracting State in which the damage was sustained or in the Contracting State in which the claimant is habitually resident.

7. After the limitation fund has been constituted in accordance with paragraph 1 of this article or, where no such fund has been constituted, if the sums provided by the licensing State, or by insurance, or other financial security are available in accordance with paragraph 6 of this article to meet a claim for compensation, the claimant shall not be entitled to exercise any right against any other asset of the operator in respect of this claim for nuclear damage, and any bail or security (other than security for costs) given by or on behalf of that operator in any Contracting State shall be released.

Article XII

1. The Contracting States undertake to adopt such measures as are necessary to ensure implementation of the provisions of this Convention, including any appropriate measures for the prompt and equitable distribution of the sums available for compensation for nuclear damage.

2. The Contracting States undertake to adopt such measures as are necessary to ensure that insurance and reinsurance premiums and sums provided by insurance, reinsurance or other financial security, or provided by them in accordance with paragraph 2 of article III, shall be freely transferable into the currency of the Contracting State in which the damage was sustained, of the Contracting State in which the claimant is habitually resident or, as regards insurance and reinsurance premiums and payments, in the currencies specified in the insurance or reinsurance contract.

3. This Convention shall be applied without discrimination based upon nationality, domicile or residence.

Article XIII

This Convention applies to nuclear damage caused by a nuclear incident occurring in any part of the world and involving the nuclear fuel of, or radioactive products or waste produced in, a nuclear ship flying the flag of a Contracting State.

Article XIV

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which this Convention is

opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Article XV

1. Each Contracting State undertakes to take all measures necessary to prevent a nuclear ship flying its flag from being operated without a licence or authority granted by it.

2. In the event of nuclear damage involving the nuclear fuel of, or radioactive products or waste produced in a nuclear ship flying the flag of a Contracting State, the operation of which was not at the time of the nuclear incident licensed or authorized by such Contracting State, the owner of the nuclear ship at the time of the nuclear incident shall be deemed to be the operator of the nuclear ship for all the purposes of this Convention, except that his liability shall not be limited in amount.

3. In such an event, the Contracting State whose flag the nuclear ship flies shall be deemed to be the licensing State for all the purposes of this Convention and shall, in particular, be liable for compensation for victims in accordance with the obligations imposed on a licensing State by article III and up to the limit laid down therein.

4. Each Contracting State undertakes not to grant a licence or other authority to operate a nuclear ship flying the flag of another State. However, nothing in this paragraph shall prevent a Contracting State from implementing the requirements of its national law concerning the operation of a nuclear ship within its internal waters and territorial sea.

Article XVI

This Convention shall apply to a nuclear ship from the date of her launching. Between her launching and the time she is authorized to fly a flag, the nuclear ship shall be deemed to be operated by the owner and to be flying the flag of the State in which she was built.

Article XVII

Nothing in this Convention shall affect any right which a Contracting State may have under international law to deny access to its waters and harbours to nuclear ships licensed by another Contracting State, even when it has formally complied with all the provisions of this Convention.

Article XVIII

An action for compensation for nuclear damage shall be brought against the operator; it may also be brought against the insurer or any person other than the licensing State who has provided financial security to the operator pursuant to paragraph 2 of article III, if the right to bring an action against the insurer or such other person is provided under the applicable national law.

Article XIX

Notwithstanding the termination of this Convention or the termination of its application to any Contracting State pursuant to article XXVII, the provisions of the Convention shall continue to apply with respect to any nuclear damage caused by a nuclear incident involving the nuclear fuel of, or radioactive products or waste produced in, a nuclear ship licensed or otherwise authorized for operation by any Contracting State prior to the date of such termination, provided the nuclear incident occurred prior to the date of such termination or, in the event of a nuclear incident occurring subsequent to the date of such termination, prior to the expiry of a period of twenty-five years after the date of such licensing or other authorization to operate such ship.

Article XX

Without prejudice to Article X, any dispute between two or more Contracting 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.

Article XXI

1. Each Contracting Party may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by article XX of the Convention. The other Contracting Parties shall not be bound by this article with respect to any Contracting Party having made such a reservation.

2. Any Contracting Party having made a reservation in accordance with paragraph 1 may at any time withdraw this reservation by notification to the Belgian Government.

Article XXII

This Convention shall be open for signature by the States represented at the eleventh session (1961-1962) of the Diplomatic Conference on Maritime Law.

Article XXIII

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Government.

Article XXIV

1. This Convention shall come into force three months after the deposit of an instrument of ratification by at least one licensing State and one other State.

2. This Convention shall come into force, in respect of each signatory State which ratifies it after its entry into force as provided in paragraph 1 of this article, three months after the date of deposit of the instrument of ratification of that State.

Article XXV

1. States Members of the United Nations, Members of the specialized agencies and of the International Atomic Energy Agency not represented at the eleventh session of the Diplomatic Conference on Maritime Law, may accede to this Convention.

2. The instruments of accession shall be deposited with the Belgian Government.

3. The Convention shall come into force in respect of the acceding State three months after the date of deposit of the instrument of accession of that State, but not before the date of entry into force of the Convention as established by article XXIV.

Article XXVI

1. A conference for the purpose of revising this Convention shall be convened by the Belgian Government and the International Atomic Energy Agency after the Convention has been in force five years.

2. Such a conference shall also be convened by the Belgian Government and the International Atomic Energy Agency before the expiry of this term or thereafter, if one third of the Contracting States express a desire to that effect.

Article XXVII

1. Any Contracting State may denounce this Convention by notification to the Belgian Government at any time after the first revision Conference held in accordance with the provisions of article XXVI 1.

2. This denunciation shall take effect one year after the date on which the notification has been received by the Belgian Government.

Article XXVIII

The Belgian Government shall notify the States represented at the eleventh session of the Diplomatic Conference on Maritime Law, and the States acceding to this Convention, of the following:

1. Signatures, ratifications and accessions received in accordance with article XXII, XXIII and XXV.

2. The date on which the Convention will come into force in accordance with article XXIV.

3. Denunciations received in accordance with article XXVII.

In witness whereof, the undersigned Plenipotentiaries, whose credentials have been found in order, have signed this Convention.

Done at Brussels, this twenty-fifth day of May, one thousand nine hundred and sixty-two, in the English, French, Russian and Spanish languages in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

In case of any disparity in the texts, the English and French versions shall be authentic.

CHAPTER V

DECISIONS OF ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. DECISIONS OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS 1/

1. Judgement No. 84 (11 September 1962): 2/ Young v. Secretary-General of the International Civil Aviation Organization

Request by a former Technical Assistance official of ICAO for validation by the United Nations Joint Staff Pension Fund of service completed before his participation in the Fund.

This case was submitted by an applicant who had served with the International Civil Aviation Organization as a technical assistance expert from 2 November 1951 to 31 December 1958 under several fixed-term contracts of less than two years' duration. The applicant, who became a participant in the Joint Staff Pension Fund on 1 January 1958, requested the Tribunal to order the validation by the Fund of the period of employment prior to that date. In support of his request, the applicant invoked paragraph 19 of the regulations for technical

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1/ Under article 2 of its Statute, the Administrative Tribunal of the United Nations is competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such staff members. Article 14 of the Statute states that the competence of the Tribunal may be extended to any specialized agency upon the terms established by a special agreement to be made with each such agency by the Secretary-General of the United Nations. On 1 January 1963 one agreement of general scope, dealing with the non-observance of contracts of employment and of terms of appointment, had been concluded, pursuant to the above provision, with a specialized agency: the International Civil Aviation Organization. In addition, agreements limited to applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund had been concluded with 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 International Civil Aviation Organization and the World Meteorological Organization.

The Tribunal is open not only to any staff member, even after his employment has ceased, but also to any person who has succeeded to the staff member's rights on his death, or who can show that he is entitled to rights under any contract or terms of appointment.

2/ Mme P. Bastid, President; S. Petrén, Vice-President; H. Gros Espiell, Member.

assistance experts in force on 2 November 1951 and article III of the Regulations of the Joint Staff Pension Fund. Paragraph 19 provided that experts initially appointed for less than two years would become participants in the Fund after two years of service and would be entitled to validate previous service on joining the Fund. The paragraph, however, was abrogated on 1 January 1952, and from that date to 1 January 1958 the regulations for technical assistance experts contained no provision concerning the participation of experts in the Fund. The Tribunal observed that the applicant's initial letter of appointment stipulated ICAO's right to amend regulations for technical assistance personnel and limited this right only by the reservation that the amendments should not reduce or restrict the conditions set forth in the letter. It found therefore that the abrogation of paragraph 19 operated against the applicant. As regards the Regulations of the Joint Staff Pension Fund, the Tribunal put several questions to the parties concerning the purport of articles II and III. It also put questions relating to the interpretation of an omnibus clause contained in the applicant's contracts. This clause stipulated that the applicant was not entitled to receive payments, subsidies, expenses or emoluments other than those specified in his letters of appointment or in the applicable Staff Regulations. The Tribunal postponed the consideration of the case to allow the parties to reply to the questions put to them.

2. Judgement No. 85 (14 September 1962):[1] Carson v. Secretary-General of the United Nations

Termination on the ground of abolition of post of the permanent appointment held by a staff member of the United Nations Children's Fund.

This case concerned the termination because of abolition of post of the permanent appointment of a staff member who had been specifically recruited for UNICEF. While expressing the view that the abolition of post had been neither

1/ Mme P. Bastid, President; Lord Crook, Vice-President; the Hon. R. Venkataraman, Member; J.J. Casey, Alternate.

mala fide nor motivated by prejudice, the Tribunal observed that the respondent had failed to submit written evidence to show that the applicant had actually been considered for posts available in UNICEF and had been genuinely found not suitable for any of them. The Tribunal rescinded the termination and ordered that, in the event of reinstatement, the applicant should receive full salary from the date of termination to the date of reinstatement, less the amount paid at termination in lieu of notice and less also the amount of termination indemnity. In the event of a decision by the Secretary-General not to reinstate the applicant, the Tribunal ordered that she should receive: (a) full salary to the date of the decision not to reinstate, less the amounts paid in lieu of notice and less also the amount of termination indemnity; (b) an amount equal to that which would be payable under the Staff Regulations and Rules if the applicant's appointment were terminated on the date of the decision not to reinstate.

3. Judgement No. 86 (14 September 1962):[1/] A. v. Secretary-General of the United Nations

Non-renewal of a fixed-term appointment held by an official of the United Nations Special Fund.

This case concerned the non-renewal of the fixed-term appointment of a staff member in the secretariat of the United Nations Special Fund. The Tribunal observed that before the expiration of the appointment the Fund had offered to extend the appointment for a period of one year and that the acceptance of the offer by the applicant had created an obligation on the part of the respondent. It found, however, that the subsequent discovery by the Fund that the applicant had withheld material information regarding his condition of health at the time of seeking employment constituted valid grounds for the respondent's decision not to fulfil the agreement to extend the appointment. It found, moreover, that the procedure provided for in regulation 9.1 (a), which was not followed in the case, was not applicable to a refusal to renew or extend an appointment. The Tribunal therefore rejected the application.

1/ See foot-note to Judgement No. 85

B. DECISIONS OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL LABOUR ORGANISATION 1/ 2/

1. Decision No. 57 (2 May 1962) and Judgement No. 66 (26 October 1962): Press v. World Health Organization

Applicability of provisional measures specified in article 19 of the Rules of Court of the Tribunal - Rights of an official of an international organization in the results of the work performed by him within the scope of his duties.

Complainant had been appointed by WHO to experiment on insecticides used in malaria eradication. The organization later decided to produce a paper on insecticides, and entrusted its preparation to Messrs. Barnes and Elliot.

1/ The Administrative Tribunal of the International Labour Organisation is competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment, and of such provisions of the Staff Regulations as are applicable to the case, of officials of the International Labour Office and of officials of the international organizations that have recognized the competence of the Tribunal, namely, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union, the World Meteorological Organization, the Food and Agriculture Organization of the United Nations, the European Organization for Nuclear Research, the Interim Commission for the International Trade Organization/General Agreement on Tariffs and Trade, and the International Atomic Energy Agency. The Tribunal is also competent to hear disputes with regard to the execution of certain contracts concluded by the International Labour Office and disputes relating to the application of the Regulations of the former Staff Pensions Fund of the International Labour Organisation.

The Tribunal is open to any official of the International Labour Office and of the above-mentioned organizations, even if his employment has ceased, and to any person on whom the official's rights have devolved on his death, and to any other person who can show that he is entitled to some right under the terms of appointment of a deceased official or under provisions of the Staff Regulations on which the official could rely.

2/ Lord Forster of Harraby, President; M. Letourneur, Vice-President; A. Grisel, Judge.

Complainant asserted that the paper could be produced only thanks to the work he had undertaken, and requested that his name should be mentioned as that of a co-author. The Director-General having, by a decision of 16 November 1961, rejected that request, complainant lodged a complaint before the Tribunal, with the preliminary submission that the Tribunal should order the publication of the document in the Bulletin of WHO to be suspended, and the principal submission that the Tribunal should quash the decision of WHO of 16 November 1961.

By its Decision No. 57 the Tribunal rejected the complainant's preliminary conclusions. It pointed out that no provision of its Statute attributed competence to it to issue directions to an organization against which a complaint had been lodged, and that in particular the provisional measures prescribed by article 19 of its Rules of Court could not be contemplated unless they were directed to ensuring a fully satisfactory preliminary examination of the case.

In its Judgement No. 66 the Tribunal rejected the complainant's submission that the decision against which he complained should be quashed. It pointed out that an official of an international organization had no rights whatsoever in the results of such work as he carried out on behalf of that organization within the scope of his duties, but that where the organization decided of its own volition that the publication should bear the name of its authors, it was bound to respect the principle of equality and to mention the name of all those who could claim authorship. The complainant could not make that claim, as his contribution had been limited to supplying chemical data, albeit of undisputed scientific value.

2. Judgement No. 58 (2 May 1962): Leprêtre v. International Telecommunication Union

The Tribunal notified the parties that the complainant had withdrawn suit.

3. Judgement No. 59 (2 May 1962): Cunningham v. Food and Agriculture Organization of the United Nations

The Tribunal dismissed the claim as time-barred and irreceivable.

4. Judgement No. 60 (2 May 1962): Dadivas v. World Health Organization

Purpose and effects of grading an official in a given category - Need to prove financial or moral prejudice - Effects of mistake in a post description - Effects of downgrading an official.

On 1 January 1952 the complainant was appointed by WHO as a Grade M.3 official, and on 1 July 1953 she was placed in Grade M.4 with a salary scale ranging from 4,320 to 6,240 pesos annually. New salary scales having come into force on 1 January 1957, those officials whose remuneration would have been reduced were given the benefit of transitional measures, and the complainant accordingly retained the salary which she was earning at the end of 1956, namely 5,220 pesos per annum, but ceased to be eligible for the further salary increment provided for under the old scale. A post description dated 15 January 1960 described the complainant as budget clerk, Grade M.4, although according to the local classification plan then in effect, budget clerks were in Grade M.5.

Complainant originally appealed to the Tribunal requesting to be allowed to continue to enjoy the benefits of the old salary scale and the benefit of the difference between the salary attaching to Grade M.3 and that attaching to Grade M.4 for the period during which she was in Grade M.3. In an additional complaint she requested that she should be regraded from M.4 to M.5 as from 1 January 1957. While the case was pending, WHO decided to grant the claims made in the first request but rejected the second.

In its Judgement No. 60, the Tribunal took note of the action taken in respect of the first complaint. In examining the second complaint, the Tribunal distinguished three periods: from 1 January 1957 to 31 December 1959; from 1 January 1960 to July 1961 (the date when the new classification came into effect); and after July 1961. It rejected the complaint relating to the first period, on the ground that the complainant did not claim or establish that during that period her duties and responsibilities justified her being graded M.5, and that moreover she had not established that other officials performing exactly the same duties as she did had been regraded to that category, and that she could not establish either financial prejudice (the sums which she was

actually paid were larger than those which she would have received if she had been regraded M.5) or moral prejudice (as the mere fact of belonging to a given grade, unlike the use of a title, does not carry any prestige value). With regard to the second period, the Tribunal acknowledged that a mistake had been made in the post description and that at that time the complainant undoubtedly belonged to Grade M.5. The Tribunal awarded her compensation for the results of that mistake. In regard to the third period, the Tribunal noted that under the new classification plan the complainant had been downgraded, but found that in the absence of a regulation applicable to the complainant she was entitled, notwithstanding the new classification, to continue receiving the annual salary which had been found to be due to her up to that time.

5. Judgement No. 61 (4 September 1962): Lindsay v. International Telecommunication Union

Legal status of international civil servants - Applicability, in regard to pension, termination allowances and family allowances, of a system different from that in force on the date of the appointment.

The complainant had been given a permanent appointment by the ITU as from 1 January 1950, his duties and rights being determined, according to his letter of appointment, by the Staff Regulations and the Regulations of the Staff Superannuation and Benevolent Funds. The Plenipotentiary Conference of 1959 having decided to assimilate the conditions of service of the staff to those of the staff of the United Nations, the Secretary-General of the ITU issued on 24 May 1960 the Staff Regulations and Rules laying down the new conditions of employment applicable as from 1 January 1960; the Administrative Council of the ITU approved the Staff Regulations and Rules. On 20 June 1960 the complainant asked the Secretary-General to give him a formal assurance that his rights proceeding from the provisions of the Staff Regulations in force on the date of his appointment with regard to the termination allowance, family allowances and pension scheme would be fully respected. That request having been impliedly rejected, the complainant moved the Tribunal.

In its Judgement No. 61, the Tribunal defined the legal status of international civil servants. "The terms of appointment of international civil servants", it specified, "derive both from the stipulations of a strictly individual character in their contract of appointment and from Staff Regulations and Rules, which the contract of employment by reference incorporates. Owing, inter alia, to their increasing complexity, the conditions of service mainly appear, not amongst the stipulations specifically set out in the contract of appointment, but in the provisions of the above-mentioned Staff Regulations and Rules. The Staff Regulations and Rules contain in effect two types of provisions, the nature of which differs according to the object to which they are directed. It is necessary to distinguish, on the one hand, provisions which appertain to the structure and functioning of the international civil service and benefits of an impersonal nature and subject to variation, and, on the other hand, provisions which appertain to the individual terms and conditions of an official, in consideration of which he accepted an appointment. Provisions of the first type are statutory in character and may be modified at any time in the interest of the service, subject, nevertheless, to the principle of non-retroactivity and to such limitations as the competent authority itself may place upon its powers to modify them. Conversely, provisions of the second type should to a large extent be assimilated to contractual stipulations. Hence, if the efficient functioning of the organization in the general interests of the international community requires that the latter type of provisions should not be frozen at the date of appointment and continue so for its entire duration, such provisions may be modified in respect of a serving official and without his consent, but only in so far as modification does not adversely affect the balance of contractual obligations or infringe the essential terms in consideration of which the official accepted appointment ... It follows that, as regards their terms and conditions of appointment, international civil servants are not exclusively governed by statutory rules such as apply to the great majority of national civil servants, which are of a different nature and afford similar guarantees by different means. Furthermore, even where the provisions of the Staff Regulations and Rules are alone applicable, the power

to modify them vested in the international organization is governed by different legal rules according to whether the provisions concerned fall within the first or the second of the two types of provisions referred to and distinguished above. ... In altering the pensions scheme, the family allowances provisions and the termination benefits in case of abolition of post, the Union modified provisions falling within the first and the second of the above-mentioned categories. While the Union was, in principle, empowered to do so, it falls to be considered whether it thereby altered the balance of contractual obligations or infringed the essential terms of appointment in consideration of which the complainant agreed to accept service."

With regard to the pension scheme, the Tribunal admitted that the adoption of the new system had seriously impaired the rights of the complainant, and recognized his right, when he qualified for his insured benefits, to receive those to which he would have been entitled under the old pension scheme. With regard to termination in the event of abolition of post, it also recognized that the changes made by the new regulations constituted a serious infringement of the complainant's terms of appointment, and it ruled that the Secretary-General of the ITU was not entitled to declare the new regulations applicable to the complainant's terms of appointment. With regard to family allowances, on the other hand, the Tribunal found the complaint not justified because the Administrative Council of the ITU had merely altered the conditions for the grant of family allowances in a manner generally favourable to the interests of those concerned.

6. Judgement No. 62 (26 October 1962): Cásseres v. Food and Agriculture Organization of the United Nations

The Tribunal recorded the complainant's withdrawal of suit.

7. Judgement No. 63 (26 October 1962): Andreski v. United Nations Educational, Scientific and Cultural Organization

Definition and conditions governing validity of summary dismissal - Definition of serious misconduct.

In March 1961 the complainant, who had been engaged by UNESCO for one year to teach sociology in the Faculty of Social Sciences of Latin America (FLACSO) in Santiago, Chile, had, in several letters addressed concurrently to UNESCO organs and to various national authorities, institutions and persons, accused one of his colleagues of making use of his official functions for political purposes, of occupying a post for which he was not qualified, of owing his appointment to hidden influences, and of trying to set his students at loggerheads with each other. The Director-General of UNESCO vainly summoned the complainant to come and explain matters in Paris, and tried to facilitate his travel by sea, after which, still in vain, he ordered the complainant to come to Paris by air, under penalty of disciplinary action. Acting on the recommendation of a committee specially established to examine the case, the Director-General informed the complainant that he was summarily dismissed for serious misconduct. His appeal having been dismissed by the Appeals Board of UNESCO, the complainant filed a complaint with the Tribunal.

In its Judgement No. 63, the Tribunal dismissed the complaint, after defining summary dismissal and the conditions under which it was valid. The Tribunal found that under Staff Regulations 10.1 and 10.2 of UNESCO, summary dismissal did not mean termination without notice, but termination not preceded by a recommendation made by an administrative organ on which the staff was represented. That had been the position in the present case, since the Director-General had dismissed the complainant after consulting a committee which he had set up expressly for that case, but not a joint disciplinary committee. Moreover, under Staff Regulation 10.2 summary dismissal could be ordered only against an official who was guilty of serious misconduct - in other words, an official who in the first place had failed in his duty, and in the second place had thereby incurred serious reprobation. In the opinion of the Tribunal, those requirements had been fulfilled in the present case.

By approaching national authorities, institutions and persons, the complainant had on the one hand failed to comply with several of his obligations under the Staff Regulations and Staff Rules: he had brought the international civil service into disrepute in disregard of Staff Regulation 1.4, he had acted contrary to the duty of discretion defined in Staff Regulation 1.5, and he had harmed the interests of UNESCO contrary to the solemn undertaking to which he had subscribed in accordance with Staff Regulation 1.9; moreover, his many breaches of duty implied serious misconduct, both objectively and subjectively. Furthermore, by refusing to come to Paris in response to the orders of the Director-General of UNESCO the complainant had been guilty of a patent dereliction of his duties under Staff Regulation 1.2, and in that respect also the misconduct was serious both objectively and subjectively.

8. Judgement No. 64 (26 October 1962): Albero v. United Nations Educational, Scientific and Cultural Organization

Conditions governing exercise of entitlement to repatriation.

The complainant had been assigned to work as an expert at Tegucigalpa, Honduras, his appointment being due to expire on 30 June 1961. In a letter dated 27 January 1961 the Administration authorized him to return home to Spain by sea, and explained how he should go about booking a passage; as the Administration preferred that he should take all his leave before the end of his appointment, it urged him to make the necessary arrangements to leave Tegucigalpa on or about 8 April 1961. The complainant did not comply with those instructions, and the Administration, in a letter dated 1 March 1961, offered to book his passage for him. That letter was left unanswered, and the complainant eventually sailed from Panama City on 10 July and reached home on 29 July. He then lodged a claim for payment of his salary from 1 to 29 July; the Administration rejected that claim and he moved the Tribunal.

In its Judgement No. 64 the Tribunal dismissed the complaint. It found that the Administration had complied with the provisions of Staff Rule No. 109.12(b), since between 8 April and 30 June 1961 the complainant had had enough time to

take all the leave to which he was entitled and to return home by an approved route before his separation from service. It could only be for personal reasons that he had postponed his departure. Accordingly, under Staff Rule No. 109.12(c), he was not entitled to the additional salary that he claimed.

9. Judgement No. 65 (26 October 1962): R.S. Morse v. World Health Organization

Non-renewal of a fixed-term appointment: competence of the Tribunal, limits of its authority; discretionary power of the Head of the Secretariat, its limits - Conclusiveness of periodical reports for appraisal of an official's service - Reserve, tact and discretion required of international officials.

The complainant, who entered the service of WHO in 1949 and was assigned in 1954 to the Liaison Office of WHO with the United Nations in New York, had earned satisfactory appraisal reports for the years 1954 to 1958. On 18 September 1959 the Secretary-General of the United Nations gave a dinner party in honour of Mr. Khrushchev. It was an occasion of great importance, but by inadvertence the United Nations protocol service addressed an invitation intended for Mr. David Morse, Director-General of the International Labour Office, to "R. Morse, WHO". The complainant accepted it and attended the dinner. His superior officer reproached him for thus placing him, as Director of the Liaison Office, in an embarrassing situation and for compromising the good relations between the United Nations and WHO; he asked him to send a letter of apology to Mr. David Morse, which the complainant refused to do. On 7 October 1959 the dinner incident was reported in the New York Times, and consequently Reuter's United Nations correspondent, with whom the complainant had discussed the incident, also published the story, adding that the Director of the Liaison Office had requested the complainant to offer an apology to Mr. David Morse.

In October 1960 the Director of the Liaison Office prepared the complainant's appraisal report for 1959, recording an unfavourable opinion. In December 1960 he signed the appraisal report for 1960, in which he indicated that the complainant's performance had deteriorated in the last few months and that he could not recommend a prolongation of his assignment to the Liaison Office. In

January 1961, in a letter to the Chief of Personnel, he recalled having previously stated that he had lost confidence in the complainant because the latter had disclosed to a group of newspaper correspondents the details of a delicate and confidential conversation. In June 1961 the complainant was officially informed that, in view of the unfavourable appraisal report for 1960, his appointment would not be renewed. The complainant then appealed to the WHO Board of Inquiry and Appeal, which found that his professional work performance had been satisfactory and that the last two appraisal reports reflected personal prejudice on the part of his immediate superior. The Director-General refused to accept those conclusions and decided not to renew the complainant's contract; the complainant petitioned the Tribunal to quash that decision.

In its Judgement No. 65 the Tribunal stated that, having regard to the advisory opinion of the International Court of Justice of 23 October 1956, applicable by analogy to the case of a WHO official, it was competent to hear complaints relating to the non-renewal of fixed-term appointments. It also stated, however, that "the extent to which the Tribunal is empowered to review is not ... unlimited. In taking the decision complained of, the Director-General exercised his discretion. A decision of this nature can be quashed only if, on the one hand, it is taken by a person without authority or in an irregular form, or if there has been failure to comply with recognized procedure; or, on the other hand, if it is tainted by an error of law or based upon materially incorrect facts, or if essential material elements have been left out of account, or if obviously wrong conclusions have been drawn from the evidence in the dossier".

The Tribunal then considered whether the decision complained of was tainted with any of those errors. The decision was based essentially on the 1960 appraisal report. A decision not to renew an appointment, if based on a single unfavourable report after a long period of satisfactory service, would leave out of account essential material elements and would constitute a wrong conclusion drawn from the record unless the report disclosed sufficiently serious deficiencies in the work or conduct of the official to justify the

decision by themselves. Although the complainant had not failed in his obligations by attending the Khrushchev dinner or by refusing to tender an apology which was not due, he had nevertheless violated the obligations of reserve, tact and discretion laid on him by articles 1.5 and 1.6 of the Staff Regulations, by disclosing to press correspondents the details of a conversation with his chief relating to a matter of official business which should have remained privy to the organization and the disclosure of which was likely to harm the prestige of WHO and its relations with the United Nations. Consequently the complainant's conduct as an international civil servant was unsatisfactory.

Since the decision complained of was not in breach of any of the conditions mentioned above, the Tribunal dismissed the complaint.

Judgement No. 66 (26 October 1962): see decision No. 57

10. Judgement No. 67 (26 October 1962): Darricades v. United Nations Educational, Scientific and Cultural Organization

The Tribunal held that it lacked jurisdiction, since the complainant had been engaged specifically for a conference and could not therefore be regarded as a UNESCO staff member for the purposes of article 111.2 of the Staff Regulations and Rules. It recognized that as a result of its lack of jurisdiction the complainant was regrettably deprived of any means of judicial redress but, being a court of limited jurisdiction, it was bound to apply the mandatory provisions governing its competence.

CHAPTER VI

SELECTED LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. LEGAL OPINIONS OF THE SECRETARIAT OF THE UNITED NATIONS

(Issued by the Office of Legal Affairs)

1. Accreditation of Permanent Observers by non-members at United Nations Headquarters.

Memorandum to the Acting Secretary-General

Policy of the Organization regarding Permanent Observers

1. In deciding whether or not to accord certain facilities to a Permanent Observer, it has been the policy of the Organization to make such facilities available only to those appointed by non-members of the United Nations which are full members of one or more specialized agencies and are generally recognized by Members of the United Nations.[1/]

Legal basis for the institution of Permanent Observers

2. There are no specific provisions relating to Permanent Observers of non-member States in the United Nations Charter, in the Headquarters Agreement with the United States Government or in General Assembly resolution 257 (III) of 3 December 1948 relating to Permanent Missions of Member States. The Secretary-General referred to Permanent Observers of non-members in his report to the fourth session of the Assembly on Permanent Missions (A/939), but no specific action was taken by the Assembly either at that time or later to provide an express legal basis for the institution of Permanent Observers. It therefore rests purely on practice as so far followed.

1/ A Permanent Observer was designated by the Government of Switzerland in the summer of 1946 and the practice of designating such Observers has been followed by Switzerland since that time. Observers were subsequently appointed by certain States which later became Members of the United Nations, including Austria, Finland, Italy and Japan. Certain other States, which are not Members of the Organization at the present time, maintain Permanent Observers, namely the Federal Republic of Germany (since October 1952), Monaco (since May 1956), the Republic of Korea (since February 1949), and the Republic of Viet-Nam (since March 1952).

/...

Facilities accorded to Permanent Observers

3. Since Permanent Observers of non-member States do not have an officially recognized status, facilities which are provided them by the Secretariat are strictly confined to those which relate to their attendance at public meetings and are generally of the same nature as those extended to distinguished visitors at United Nations Headquarters. The Protocol Section arranges for their seating at such meetings in the public gallery and for the distribution to them of the relevant unrestricted documentation. A list of their names is appended, for convenience of reference, to the List of Permanent Missions to the United Nations published monthly by the Secretariat, as Permanent Observers often represent their Governments at sessions of United Nations organs of which their Governments are members, or at conferences convened by the Organization to which their Governments have been invited to participate.

4. No other formal recognition or protocol assistance is extended to Permanent Observers by the Secretariat. Thus no special steps are taken to facilitate the granting of United States visas to them and their personnel, nor for facilitating the establishment of their offices in New York. Communications informing the Secretary-General of their appointment are merely acknowledged by the Secretary-General or on his behalf and they are not received by the Secretary-General for the purpose of presentation of credentials as is the case for Permanent Representatives of States Members of the Organization.

Permanent Observers and the question of privileges and immunities

5. Permanent Observers are not entitled to diplomatic privileges or immunities under the Headquarters Agreement or under other statutory provisions of the host State. Those among them who form part of the diplomatic missions of their Governments to the Government of the United States may enjoy immunities in the United States for that reason. If they are not listed in the United States diplomatic list, whatever facilities they may be given in the United States are merely gestures of courtesy by the United States authorities.

22 August 1962.

2. Legal position regarding the import of arms and war materials by the Central Government of the Republic of the Congo - Interpretation of paragraph 6 of General Assembly resolution 1474 (ES IV) of 20 September 1960 - Interpretation of paragraph 6 of the Security Council resolution of 24 November 1961.

Memorandum to the Secretary-General

1. The resolutions of the General Assembly and the Security Council relating to the Congo contain several provisions directed against the importation of arms or other materials of war into the Congo. The first of these provisions is found in paragraph 6 of General Assembly resolution 1474 (ES IV) of 20 September 1960. This paragraph reads as follows:

"The General Assembly ...

"6. Without prejudice to the sovereign rights of the Republic of the Congo, calls upon all States to refrain from the direct and indirect provision of arms or other materials of war and military personnel and other assistance for military purposes in the Congo during the temporary period of military assistance through the United Nations, except upon the request of the United Nations through the Secretary-General for carrying out the purposes of this resolution and of the resolutions of 14 and 22 July and of 9 August 1960 of the Security Council."

2. It was made clear by the sponsors of the resolution that this provision was intended to exclude all military aid to the Congo except through and at the request of the United Nations. The representative of Ghana, who introduced the resolution, declared that, under it, "no help whatsoever should be sent to the Congo without the express request of the United Nations, and that this help should go only through the medium of the Organization". (A/PV.860, para. 164). The representative of Tunisia, referring to this provision of the resolution, stated that "such a prohibition also imposes on the young Republic of the Congo itself the obligation to refrain from appealing for such assistance for military purposes during the period of military assistance through the United Nations". (A/PV.860, para. 113). He added that such a prohibition "in no way infringes the fundamental principle of respect for the absolute sovereignty of the Congolese Government and is, so to speak, merely a 'temporary injunction' in the interests of world peace, without prejudice to the sovereign rights of any State". (Ibid.) This observation by one of the sponsors of the resolution can

reasonably be regarded as expressing a general consensus that the injunction to the Republic of the Congo to refrain from seeking or accepting military assistance except through the United Nations was fully consonant with the independence and sovereignty of the Government.

3. In its resolution of 21 February 1961 the Security Council reaffirmed this resolution of the General Assembly and reminded all States of their obligations. Statements made by various representatives at the Council when this resolution was adopted indicate clearly the intention to authorize the United Nations to exclude the bringing of material into the Congo other than with the approval of the United Nations.

4. The most recent resolution of the Security Council, adopted on 24 November 1961, recalls the previous resolutions and contains the following paragraph relating to the supply of arms:

> "6. Requests all States to refrain from the supply of arms, equipment or other material which could be used for warlike purposes, and to take the necessary measures to prevent their nationals from doing the same, and also to deny transportation and transit facilities for such supplies across their territories, except in accordance with the decisions, policies and purposes of the United Nations;".

5. This resolution also includes several provisions directed against the secessionist activities of Katanga; and declares its full support for the Central Government of the Congo and "the determination to assist that Government, in accordance with the decisions of the United Nations, to maintain law and order and national integrity ..." (paragraph 9). In view of these provisions, it may be contended by some Member Governments that the furnishing of war materials to the Central Government, to be used by it to put down the secessionist activities in Katanga and elsewhere, would be "in accordance with the decisions, policies and purposes of the United Nations".

6. In answer to this argument, it may be maintained that, although the Security Council has taken a strong position against secession and in support of the Central Government in its resolution of 24 November 1961, it has not changed its previous position against unilateral military assistance to the Congo. Of particular significance in support of this interpretation, is the fact that the

Security Council reaffirmed the policies and purposes set out in the previous resolutions of the General Assembly and Council, including those which contained provisions against the importation of arms by the Government of the Republic of the Congo.

7. This latter consideration must be given weight since it would be reasonable to conclude that the Security Council, in reaffirming the previous resolutions, is maintaining the same position in respect of arms that it had previously taken, and that the intervening events which have occurred have not altered this stand. Should members of the Security Council desire a change in this position, the appropriate means would be by a new decision of the Security Council.

8. If the resolution of 24 November 1961 is construed as imposing an obligation on the Central Government as well as on all Member States to refrain from arms traffic to the Congo except when expressly approved by the United Nations, then the Secretary-General would be under a duty to take appropriate steps to prevent the importation of arms. Such steps would involve mainly representations to the States concerned[1/] to refrain from supplying material which could be used for war purposes; to take the necessary measures to prevent their nationals from doing the same; and to deny transportation and transit facilities for such supplies across their territories. Representations would also be made in this regard to the Central Government of the Congo, reminding it of the obligations under the several resolutions. We understand this has been done and that the Central Government has accepted the position. At this stage therefore it seems unnecessary to consider whether other measures by ONUC are required.

9. Should the Central Government raise the issue again, either expressly or by seeking to purchase arms, it may be advisable for the Secretary-General to bring the matter to the attention of the Security Council with a view to obtaining a clarification or reaffirmation of the Council's position.

13 March 1962.

1/ Since both the General Assembly and Security Council resolutions on this point are addressed to "all States" non-member States, as well as Members, would be covered. It will be recalled that the Secretary-General has already invoked the resolution in respect of the Federal Republic of Germany (S/4785).

3. Legal policy concerning the detention by the United Nations of mercenaries and other persons referred to in paragraph A-2 of the Security Council resolution of 21 February 1961 - Interpretation of paragraph 4 of the Security Council resolution of 24 November 1961 - Interpretation of article 3 of the 1949 Geneva Conventions - Right of communication and contact of consular officials with respect to persons placed under detention.

Note to the Under-Secretary for Special Political Affairs and the Under-Secretary for General Assembly Affairs

1. The records of the debates in the Security Council clearly show that the sponsors of the Council resolution of 24 November 1961 intended to recognize in operative paragraph 4 of the resolution the right of the Republic of the Congo to try under Congolese law mercenaries and other personnel referred to in paragraph A-2 of the Security Council resolution of 21 February 1961. They did not, however, assert that the Republic had the exclusive right to detain such persons until the outcome of their trial and that the United Nations was obliged to surrender them at the first request of the Congolese authorities. The Representative of the Congo himself did not claim such a right for his Government and raised no objections to the detention of mercenaries by ONUC. Speaking before the General Assembly, he said:

> "If the United Nations is unable to authorize its representatives in the Congo to detain the arrested persons, then nothing can prevent the Congolese Government from acting on its own initiative to detain, try and sentence to severe penalties any foreigners who, in defiance of the Congo's laws, are organizing an irregular army in our territory and taking part in subversive and terrorist movements." (A/PV.1035, para. 151)

Before the Security Council, he demanded that the mercenaries should be "brought before Congolese justice to be judged according to Congolese law" (traduits devant la justice congolaise et ... jugés selon la loi congolaise)(S/PV.973, para. 111). He did not, however, request that ONUC should relinquish custody over mercenaries and surrender them to Congolese authorities for detention prior to trial.

2. The actual text of paragraph 4 of the resolution reads as follows:

"/The Security Council/

...

"4. Authorizes the Secretary-General to take vigorous action, including the use of a requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries as laid down in part A, operative paragraph 2 of the Security Council resolution of 21 February 1961;".

In using in the above text the very broad expression "legal action", the Security Council gave considerable latitude to the Secretary-General in the interpretation of the resolution. There is nothing to show that the Security Council intended that the Secretary-General should consider that a mere request to surrender a mercenary or even the opening of an investigation by Congolese authorities would constitute a "legal action" in the meaning of paragraph 4. It should be noted, in this respect, that the Russian text of the paragraph translates "legal action" by "judicial measures", a term which certainly excludes requests for surrender and any type of police action. The French text of the resolution renders "legal action" by "poursuites légales", which also excludes requests for surrender and mere police action.

3. Thus, neither the letter nor the spirit of the Security Council resolution of 24 November 1961 obliges the Secretary-General to surrender mercenaries or other A-2 personnel to the Congolese Government for detention pending trial. It would appear, on the other hand, that considerations of human rights, pertaining in particular to article 3 of the 1949 Geneva Conventions, would debar him from relinquishing custody over such personnel until he is satisfied that they would be properly treated by those to whom they would be surrendered.

4. The 1949 Geneva Conventions contain in article 3 identical provisions dealing with cases of "armed conflict not of an international character", as distinct from international war. Interpreting the meaning of the term "conflict",

the International Committee of the Red Cross recalled in the Official Commentary on the Geneva Conventions that in the course of the drafting of the Conventions, it was suggested that the term should be defined or that a list should be given of a certain number of conditions on which the application of article 3 would depend. The Committee observed that the idea was finally abandoned since it was felt that the scope of the article should be as wide as possible. The Committee expressed the view that:

> "There can be no drawbacks in this, since the article in its reduced form, contrary to what might be thought, does not in any way limit the right of a State to put down rebellion, nor does it increase in the slightest the authority of the rebel party. It merely demands respect for certain rules, which were already recognized as essential in all civilized countries, and embodied in the municipal law of the States in question, long before the Convention was signed. What Government would dare to claim before the world, in a case of civil disturbances which could justly be described as mere acts of banditry, that, article 3 not being applicable, it was entitled to leave the wounded uncared for, to torture and mutilate prisoners and take hostages? ... No Government can object to observing, in its dealings with internal enemies, whatever the nature of the conflict between it and them, a few essential rules which it in fact observes daily, under its own laws, even when dealing with common criminals." 1/

It can hardly be doubted, therefore, that article 3 is applicable to the situation in the Congo. It should be recalled, moreover, that the Secretary-General officially informed the President of the International Red Cross that ONUC would abide by its provisions.

5. Paragraph 1 of article 3 is of particular relevance to the detention by the United Nations of A-2 personnel. The paragraph reads:

> "(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

1/ International Committee of the Red Cross, The Geneva Conventions of 12 August 1949, Commentary IV, Geneva, 1958, p. 36.

"To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples."

6. These provisions clearly impose on the United Nations the duty to satisfy itself, before surrendering any A-2 personnel to the Congolese Government, that that Government is able and willing to treat such personnel humanely and, in particular, to afford it, in accordance with sub-paragraph (d) "all the judicial guarantees which are recognized as indispensable by civilized peoples".[1/] This duty appears all the more imperative in the light of ONUC's mandate to maintain law and order and in view of the situation prevailing in the Congo which the Security Council characterized as one of "systematic violations of human rights and fundamental freedoms and ... general absence of rule of law" (resolution S/4741 B of 21 February 1961).

7. In view of the foregoing, it is suggested that ONUC should retain custody over A-2 personnel, while affording the Congolese authorities all the required facilities to institute judicial proceedings against this personnel, such as questioning, confrontation with witnesses and trial. These proceedings should be held in premises where the United Nations could effectively retain custody over and afford protection to the persons concerned. The problem of surrendering a person in United Nations custody would only arise when such a person shall have been convicted and sentenced by a "regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples". In that event, the United Nations would surrender the

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1/ It may be observed in this respect that article 12 of the Convention relative to the treatment of prisoners of war lays down the principle that the Detaining Power is responsible for the treatment of prisoners and has the duty, before transferring prisoners to another Power, to satisfy "itself of the willingness and ability of /the/ transferee Power to apply the Convention".

person to Congolese custody unless it had good reason to believe that the convicted individual would be subject to torture or to cruel, inhuman or degrading treatment or punishment.

8. As regards the national governments of A-2 personnel detained by ONUC, the United Nations should apply the rules of international law concerning the right of protection of States over citizens abroad. It should, in particular, respect the right of communication and contact of consular officials. With respect to persons placed under detention, this right has been formulated by the International Law Commission in sub-paragraphs (b) and (c) of paragraph 1 of article 36 of the Draft Articles on Consular Relations. These sub-paragraphs read:

> "(b) The competent authorities shall, without undue delay, inform the competent consulate of the sending State if, within its district, a national of that State is committed to prison or to custody pending trial or is detained in any other manner. Any communications addressed to the consulate by the person in prison, custody or detention shall also be forwarded by the said authorities without undue delay;
>
> "(c) Consular officials shall have the right to visit a national of the sending State who is in prison, custody or detention, for the purpose of conversing with him and arranging for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement." 1/

9. Since, however, operative paragraph 4 of the Security Council resolution S/5002 recognizes the right of the Republic of the Congo to try A-2 personnel under Congolese law, ONUC should not hand over such personnel to the consular officials concerned for purposes of repatriation unless it finds that in a given case, there is no prima facie evidence of an offence under Congolese law or that no trial offering the guarantees provided for in article 3 of the Geneva Conventions could be held.

24 April 1962.

1/ General Assembly, Official Records, Sixteenth Session, Supplement No. 9 (A/4843), p. 24.

4. Closure of debate - Interpretation of rule 118 of the rules of procedure of the General Assembly

Memorandum to the Secretary of the Economic and Social Council

When a motion for the closure of the debate has been adopted or when the Chairman with the consent of the Committee has declared the debate closed, the Committee proceeds to what is the final stage of its consideration of the item, i.e., the voting of the draft resolution or draft resolution which may have been submitted. Under the rules no further discussion is to take place except on procedural matters relating to the voting; explanations of votes may or may not take place as prescribed in rule 129. No amendment may be submitted to a draft resolution when the debate on such a draft resolution has been closed. To do otherwise would render the rule on the closure of debate meaningless as under the practice of United Nations organs the submission of amendments is to be considered an intrinsic part of the debate. While the sponsor may withdraw his draft resolution at any time before voting on it has commenced, the sponsor may not revise the text of the draft resolution after the debate has been declared closed. Similarly no amendment may be proposed to a draft resolution after the closure of debate, unless a motion for reconsideration of the decision to close the debate has been adopted under rule 124.

29 March 1962.

5. Non-Members invited to take part without right of vote in discussion of items on the agenda of the General Assembly

Memorandum to the Secretary of the First Committee of the General Assembly

We can confirm that the opinion you have expressed to the Vice-Chairman of the First Committee on 14 December is correct. It has beer the practice for a long time of United Nations organs, when inviting representatives of non-member

States to take part in discussions without the right of vote, to permit such representatives to participate in the discussions with the same rights as those enjoyed by the representatives of Members, the only exception being that the former do not participate in the voting.

On a number of such occasions representatives of non-member States made more than one statement; this included statements in reply to speeches made by representatives of Members. The question whether they would be entitled to make procedural motions, such as the ones listed in rule 120 /79/ of the rules of procedure of the General Assembly, or motions relating to the actual voting has not, to our knowledge, been clearly decided but would in our opinion, have to be answered in the negative.

21 December 1962.

6. Co-sponsorship of draft resolutions

Memorandum to the Secretary of the First Committee of the General Assembly

The following observations refer to the questions raised in your memorandum of 15 November 1962.

In our view, it is correct to consider that until such time as the Chairman of a Main Committee submits a draft resolution to the vote of the Committee, the proposed draft resolution remains that of the delegation or of the delegations which have introduced it to the Committee. This is evidenced in particular by the fact that in accordance with the Assembly's practice the sponsors may modify their original draft resolution by accepting, without the Committee being asked to concur by a vote or otherwise, formal amendments or other textual modifications. A further proof of the sponsors' "ownership" over the draft resolution may be found in rule 123 /82/ of the rules of procedure of the General Assembly which states "A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended ...".

It would thus appear that a delegation's request to become the co-sponsor of a draft resolution should be addressed not to the Secretary of the Committee but to the sponsors of the draft resolution. It would be normally up to the

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original sponsors to inform the Secretary of their acceptance of the request. In cases where it is the requesting delegation which informs the Secretary of it having become a co-sponsor, it would be natural for the Secretary to seek confirmation of the agreement of the original sponsors.

You have also referred to the practice which has developed of a great number of delegations associating themselves for the purpose of sponsoring draft resolutions before a Committee. In such cases it would appear that it would be for the original sponsors to agree among themselves as to whether they wish to accept or not a request from a delegation to become a co-sponsor of the draft resolution. As a matter of fact, it is usually well known which delegation is the principal sponsor of a draft resolution, or which delegations are especially interested in it (other delegations agreeing to their names being included in the sponsors list only for the purpose of signifying their political support). In practice, therefore, it might be in most cases sufficient for the Secretary of a Committee to obtain information from the principal sponsor, or sponsors, as to whether the request of additional delegations to be co-sponsors has been accepted.

In case of doubt, it would appear to be consistent with the Assembly's procedures for the Chairman to enquire, in the course of a meeting of the Committee, from the sponsors of a draft resolution whether they have any objection to an additional delegation being added to the list of sponsors.

20 November 1962.

7. List of representatives to the Economic and Social Council - Interpretation of rule 18 of the rules of procedure of the Council

Memorandum to the Secretary of the Economic and Social Council

1. In your memoramdum of 16 May 1962 you referred to some difficulties which have arisen recently in the application of rule 18 of the rules of procedure of the Economic and Social Council and asked for our advice.

2. We believe that the specific situations to which you refer should be resolved on the basis of the following two considerations: (a) respect of both

the letter and the spirit of the rules which the Council has adopted and which it is free to modify; (b) avoidance of undue rigidity which would hamper the normal requirements of delegations to Council sessions.

3. Taking into account these considerations, our advice with respect to the situations referred to in your memorandum and in the light of your comments would be as follows:

(1) The designation of two representatives to represent one member of the Council would not be permissible as it would run counter to the provisions of paragraph 4 of Article 61 of the Charter as well as those of rule 18 of the rules of procedure. The identity of the representative entitled to vote on behalf of a member of the Council or empowered to designate an alternate representative to do so in his place must be known to the Council at all times and all possible sources of confusion in this respect should be avoided.

(2) The tendency of some members of the Council to designate "deputy representatives" should not be encouraged. Rule 18 does not provide for such deputies. There is furthermore no significant difference between the meaning of the expression "deputy representative" and "alternate representative", each of these terms referring to a member of the delegation who may take the place of the representative upon designation by the latter.

(3) The situation of the representative, whether a Cabinet Minister or other, leaving the Council before the end of the session can be resolved on the basis of the last sentence of rule 19 which states: "This rule shall not, however, prevent a member from changing its representatives, alternate representatives, or advisers subsequently, subject to proper submission and examination of credentials, where needed." An indication in the credentials of the delegation concerned that upon the departure of the person designated as representative another person will act as representative would be adequate in this respect.

(4) It would be permissible in our opinion for delegations to the Council, while retaining the three designations referred to in rule 18, i.e., "representatives", "alternate representatives" and "advisers", to qualify these designations in such manner as "first alternate" or "senior alternate".

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Similarly the term "adviser" could be qualified if the delegation concerned so desires by such terms as "senior", "technical" or "special".

(5) The rules do not refer to designations such as "chairman of delegation"; the person designated as the representative to the Council is clearly the head of his delegation.

(6) "Secretary" or "Secretary-General of delegation" is not an expression used in rule 18. It might, however, be possible for one of the alternate representatives or advisers to be designated as performing such functions and the designation "secretary of delegation" might be included in the list in addition to "alternate representative" or "adviser".

(7) "Experts" are, presumably, included in delegations only for the purpose of extending advice to representatives; they may therefore be appropriately designated as "advisers". If a delegation wishes to have experts on certain special matters listed as special advisers on such matters, this could be permitted.

(8) "Members of delegation" is not a desirable designation. It is preferable that all members of delegations should receive one of the three designations referred to in rule 18.

4. Certain differences in designations may possibly be tolerated as between the E/INF/document which reproduces the list of delegations and the Official Records of the session. The former may be considered as the reproduction of information received from members of the Council, for the conformity of which with the Council's rules, neither the Council nor the Secretariat would have responsibility (an appropriate indication to that effect might be inserted in the document). The Official Records should be as fully as possible consistent with the Council's rules, as in the interval between the publication of the E/INF/document and that of the Official Records the officers of the Council and the Secretariat can usefully try to obtain the necessary rectifications.

6 June 1962.

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8. Inclusion of Jamaica and Trinidad and Tobago in the geographical scope of the Economic Commission for Latin America (ECLA) - Interpretation of paragraph 4 of the terms of reference of the Commission

Memorandum to the Secretary of the Economic and Social Council

1. You have raised the question whether paragraph 4 of ECLA's term of reference would have to be amended to encompass within ECLA's geographical scope Jamaica and Trinidad and Tobago, as a result of their having become States and Members of the United Nations. Paragraph 4 reads as follows:

> "4. The geographical scope of the Commission's work is the twenty Latin American States Members of the United Nations, participating territories in Central and South America which have frontiers adjoining any of these States, and participating territories in the Caribbean area."

2. We do not think that the intention of paragraph 4 has been to exclude participating territories from the regional scope of ECLA once they become full States. In the absence of supporting evidence to the contrary, such intention would indeed be unreasonable as no apparent justification seems to exist for excluding territories participating in ECLA's activities only because they have acceded to independence.

3. It is true that paragraph 4 refers to "participating territories", but it is equally true that the expression "territory" does not convey in the terms of reference invariably the narrowly defined concept of a territorial unit lacking sovereignty,[1/] but often is extended to cover States too. Thus, the last sentence of paragraph 3 (a) reading "if it has become responsible for its own international relations such territory, part or group of territories may be admitted as an associate member of the Commission on itself presenting its application to the Commission" has been interpreted as referring as well to States

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1/ An instance where this term is used in the narrower sense is found in the second sentence of paragraph 3 (a) which provides as follows: "Any territory, or part or group thereof, within the geographic scope of the Commission's work, may, on presentation of its application to the Commission by the Member responsible for the international relations of such territory, part or group of territories, be eligible for admission by the Commission as an associate member of the Commission."

which have not yet been admitted to the United Nations. This interpretation is of course based on the fact that if the term "territory" had been meant to exclude States, this provision would have been of extremely little applicability, if any, since dependent territories responsible for their own international relations are virtually unknown in international law and practice. Also, the provision empowering ECLA to make or sponsor investigations and studies of the problems of the region refers to "territories" in the wider sense of the word as follows: "1 (b) - Make or sponsor such investigations and studies within territories of Latin America as the Commission deems appropriate;".

4. It is of interest to note that in paragraph 2 of the Economic Commission for Asia and the Far East (ECAFE) terms of reference, which corresponds to paragraph 4 of ECLA's, the Economic and Social Council has similarly used the expression "territory" as a generic term which encompasses both dependent territories and States. When ECAFE's terms of reference were adopted in 1947, paragraph 2 reading "the territories of Asia and the Far East referred to in paragraph 1 shall include..." mentioned at least three fully sovereign States ("China", "Philippine Republic" and "Siam") together with dependent territories. All other sovereign States in the region, members of ECAFE, have since been added to the list and no legal objections have been raised.

5. On the basis of the preceding consideration, it seems reasonable to conclude that the expression "participating territories" in paragraph 4 of ECLA's terms of reference has been used in a broad geographical sense and that consequently no need arises from a legal viewpoint for an amendment conducive to the inclusion in ECLA's geographical scope of States other than the Latin American States, in Central and South America and the Caribbean area.

11 October 1962.

9. Eligibility of Western Samoa for Assistance under the Expanded and Regular Technical Assistance Programmes

Memorandum to the Chief of the Section for Asia and the Far East, Bureau of Technical Assistance Operations

This is in reply to your memorandum of 12 March asking our advice on various questions relating to the eligibility of Western Samoa for either the Expanded or the Regular Technical Assistance Programme of the United Nations.

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1. Western Samoa, a former United Nations Trust Territory, became independent on 1 January 1962, and is not at present a member of either the United Nations or of any of the organizations participating in the Expanded Programme of Technical Assistance.

2. In the light of this background you raise several questions of which the first is whether Western Samoa would at present be eligible for regional projects financed under the Expanded Programme of Technical Assistance (EPTA). The answer to this is that a Government is eligible for technical assistance under the Expanded Programme only if it is a member of any of the organizations participating in EPTA. Although resolution 222 (IX) in which the Economic and Social Council established the Expanded Programme has not specifically laid down this requirement, on the basis of the discussion preceding its adoption it has since the inception of the programme been regarded as applicable. The General Assembly has clearly confirmed this interpretation in deciding in resolution 398 (V) that special authorization was needed for Libya to receive technical assistance under the Expanded Programme after its independence had been achieved but before it became a Member of the United Nations. The fact that a project is a regional one is irrelevant for the purpose of determining eligibility and is so considered in the examination of your first three questions.

3. Your second question is whether Western Samoa could in the present circumstances participate in regional projects under the United Nations regular programmes, such as programmes under General Assembly resolution 200 (III) and 723 (VIII). This question is examined together with your third question (i.e. would it be possible to send a regional adviser in public administration to Western Samoa, financed under resolution 723 (VIII)?) since for the present purpose a distinction between the two seems of no consequence.

4. Resolution 200 (III) on technical assistance for economic development provides for the rendering of such assistance "when requested ... by Member Governments". The intention of the General Assembly to so limit eligibility was further evidenced by the substitution, in the draft resolution on the subject, of the expression "Member Governments" for the expression "Governments participating in the work of the United Nations" which would have made non-member

countries participating in the work of the Regional Commissions eligible for assistance.[1/]

5. The terms of resolution 723 (VIII) on technical assistance in public administration do not specifically limit benefits thereunder to Member Governments. Such benefits are authorized by resolution 723 (VIII) to "Governments" in general, and to "underdeveloped countries" in resolution 518 (VI) which deals with technical assistance under the regular programme, including technical assistance in public administration.

6. A review of resolutions dealing with technical assistance under the United Nations Regular Programme shows that the General Assembly has not in all cases chosen to define eligibility in a precise manner. Thus, services of an executive and operational character (OPEX) were authorized under resolution 1256 (XIII) for "Governments" participating in the programmes in public administration, which resolution 1256 (XIII) was intended to supplement. The same reference to requests from "Governments" is found in General Assembly resolutions 418 (V) and 926 (X) concerning special forms of technical assistance, namely, advisory social welfare services and advisory services in the field of human rights, respectively. The latter resolution, in addition to authorizing assistance in the general field of human rights, consolidated the assistance programmes under resolution 729 (VIII) on technical assistance in promoting and safeguarding the right of women, 730 (VIII) on prevention of discrimination and protection of minorities, and 839 (IX) on technical assistance in freedom of information, all of which expressly limited their benefits to assistance requested by "Member States", a fact which is recorded in the relevant citations of the resolutions.

7. It would therefore appear that except in resolution 200 (III) the General Assembly has not consistently used language in the resolutions concerning the Regular Programme as to eligible Governments. This circumstance notwithstanding, there are strong indications that the General Assembly has not intended that forms of technical assistance under the Regular Programme be open

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1/ Official Records of the General Assembly, Third Session, Part I, Second Committee, Annexes to the Summary Records of Meetings, 1948, A/C.2/129, p.5, and A/C.2/157, p.19.

to all Governments irrespective of their membership in the United Nations. The whole system of the Regular Programme now in operation under various resolutions originated at an early date in the history of the United Nations by direction of the General Assembly to the Economic and Social Council contained in resolution 52 (I) to "study the question of providing effective ways and means for furnishing, in co-operation with the Specialized Agencies, expert advice in the economic, social and cultural fields to Member nations who desire this assistance" (underscoring supplied). The preamble of resolution 52 (I) leaves no doubt on the precise purpose of its operative part as it states that "Considering that the Members of the United Nations are not yet all equally developed, Considering that some Member nations may need expert advice in the various fields of economic, social and cultural development" (underscoring supplied). It will also be recalled that the legal basis for the programmes of technical assistance carried out by the United Nations lies in Article 66 (2) of the Charter which provides that "It (the Economic and Social Council) 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".

8. Your fourth question is whether the fact that Western Samoa was previously a United Nations Trust Territory would have any bearing on the problem. In this connexion, Mr. Spence, the Technical Assistance Board Representative, has relied upon resolution 1527 (XV) in asking the inclusion of an economic study project for Western Samoa in the 1962 programme. By that resolution which deals with "Assistance to former Trust Territories and other newly independent States", the General Assembly decided under certain conditions to increase technical assistance to newly independent States, and invited the Economic and Social Council to "encourage and facilitate the provision through the appropriate international organs" ... "of assistance requested by Governments" ... for various types of projects. The text of this resolution, however, shows no evidence that the General Assembly intended to include non-members among those "Governments" or to modify the generally accepted principles and rules regulating the provision of technical assistance. Thus, its preamble states that "Considering that the great increase in the membership of the United Nations of countries belonging to the underdeveloped sector of

the world economy underlines the urgency of substantially expanding the flow of technical and capital assistance to less developed countries" and "Bearing in mind ... that the present level of technical assistance to the newly independent States is wholly inadequate" ... "and that their share of such aid will need to be more than doubled and perhaps tripled if it is to be brought roughly into line with that of other Member States of the United Nations at comparable stages of development" (underscoring supplied).

9. Resolution 1415 (XIV) previously adopted on the same subject likewise indicates that the General Assembly had not envisaged that former Trust Territories (or other independent States) would not become Members of the United Nations. Its operative part invites "urgent and sympathetic consideration, without prejudice in any way to present assistance being given to other States Members of the United Nations, to all requests" for assistance from such former Trust Territories or newly independent States (underscoring supplied). It is of interest to note that this resolution refers specifically to the Trust Territories of the Cameroons under French administration, Togoland under French administration and Somaliland under Italian administration, for all of which the General Assembly had recommended admission to the United Nations in resolutions 1349 (XIII), 1416 (XIV) and 1418 (XIV), respectively. It may be concluded that the former status of Western Samoa and the aforementioned resolutions do not in themselves make Western Samoa eligible.

10. Apart from the questions you have raised, a further question might be raised arising out of the contemplated arrangements for the international representation of Western Samoa. It may be noted that the Constitutional Convention of Western Samoa has recommended that formal arrangements for future co-operation be concluded between New Zealand and Western Samoa as sovereign States inter alia for "assistance in carrying out its external affairs in such a manner as will not detract from the responsibility of the Government of the Independent State of Western Samoa to formulate its own international policy."[1/] The Prime Minister of Western Samoa stated in the Fourth Committee of the General Assembly that "the New Zealand Government had

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1/ Official Records of the General Assembly, Fifteenth Session, Fourth Committee, Agenda item 44, Annexes (A/C.4/454/Add.1), p.26.

expressed its willingness to consider an arrangement whereby New Zealand would assist Western Samoa in the conduct of certain aspects of external relations which for the time being the latter felt unable to undertake on its own ... and it was hoped that New Zealand would represent Western Samoa or watch over its interests in many international bodies."[1/] At the 1169th meeting of the Fourth Committee, during the sixteenth session of the General Assembly, the Prime Minister has stated, however, that "With regard to the conduct of external relations, while his Government had also discussed assistance in that field with New Zealand, it did not intend to make any rapid decisions but would rather let the system of external relations evolve according to need. As a small country, with limited resources, Western Samoa would have to devote its best endeavours to overcoming domestic problems ... His country did not intend to seek immediate membership of the United Nations but it might well join some of the specialized agencies whose work had particular relevance to Samoan problems, such as WHO, FAO and UNESCO."[2/]

11. It appears from the foregoing that Western Samoa would become eligible for assistance furnished under the Expanded Programme by becoming a member of any of the Organizations participating in EPTA. If according to information supplied by Mr. Spence, Western Samoa applies in May of this year for membership in WHO, and is admitted, it will immediately become eligible.

12. In regard to forms of assistance financed under the Regular Programme, it is doubtful whether Western Samoa would fulfil the conditions for eligibility if it does not become a Member of the United Nations. In the circumstances, it would appear that the General Assembly could take a special decision in this respect (at the request for instance of New Zealand) to authorize Western Samoa to receive assistance under that programme. This would be a case comparable to that of Libya, on which the General Assembly felt the need for a special resolution. The justification for a resolution on this subject might be of

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1/ Official Records of the General Assembly, Fifteenth Session, Part I, A/C.4/SR.1081, para.14.

2/ Ibid., Sixteenth Session, A/C.4/SR.1169, para.25.

course, like in the case of Libya, the "special responsibility" of the United Nations in the future of Western Samoa, as a former United Nations Trust Territory.

27 March 1962.

10. Participation of dependent territories in the United Nations Coffee Conference of 1962 - Interpretation of article 69 of the Havana Charter.

Letter to the British Embassy in Washington

We should like to clarify the legal situation regarding the participation of dependent territories in the forthcoming United Nations Coffee Conference.

United Nations commodity conferences are called pursuant to the provisions of Economic and Social Council resolution 296 (XI) of 2 August 1950. Under this resolution, the list of States to be invited to each conference is prepared by the Interim Co-ordinating Committee on International Commodity Arrangements (ICCICA), subject to certain provisions of the resolution. In order to be included on the list and to receive an invitation in its own name, a country must be a State under international law, that is, it must inter alia have the responsibility for the conduct of its own foreign relations; dependent territories cannot be included on the list of ICCICA.

The participation of dependent territories is the subject of a special provision of the resolution which states:

> "Where the State invited so wishes, there may be separate representation for dependent territories in accordance with the provisions of article 69 of the Havana Charter."

Article 69 of the Havana Charter reads as follows:

> "For the purposes of this Chapter, the terms 'Member' and 'Non-Member' shall include the dependent territories of a Member and non-Member of the Organization respectively. If a Member or non-Member and its dependent territories form a group, of which one or more units are mainly interested in the export of a commodity and one or more in the import of the commodity, there may be either joint representation for all the territories within the group, or where the Member or non-Member so wishes, separate representation for the territories mainly interested in exportation and separate representation for the territories mainly interested in importation."

The provisional rules of procedure of commodity conferences are prepared by ICCICA, which has established a standard pattern for these rules. The rules prepared for the Coffee Conference (E/CONF.42/2) adhere to that pattern. Rule 1 of the Coffee Conference rules provides:

> "Each State invited to the Conference shall be represented by a delegation which shall consist of a representative and such alternate representatives and advisers as may be required by the delegation; provided that upon notification from a State which, together with its dependent territories, forms a group of which one or more units are mainly interested in the exportation of coffee and one or more in the importation of coffee, separate representation shall be provided for the territories mainly interested in the exportation and separate representation for the territories mainly interested in the importation of coffee."

You will note that under the provisions of the Havana Charter and the provisional rules of procedure, a State which has both territories mainly interested in export and territories mainly interested in import has two choices: it may either send to a conference a single delegation representing all of its territories, or it may send two separate delegations, that is, in the words of the Havana Charter, it may provide "separate representation for the territories mainly interested in exportation and separate representation for the territories mainly interested in importation". In our view, however, it is not possible for such a State to send more than two delegations in order to provide individual representation for each of two or more territories which are mainly interested in exportation. The Havana Charter speaks of separate representation for importing and exporting territories, implying that all importing territories may have one representation, and all exporting territories another; but separate representation for each exporting territory appears to be excluded.

This interpretation of the language of the Havana Charter is reinforced by considerations of practical convenience. If there could be individual representation of each importing and each exporting territory, then States which possess a large number of territories - a word, incidentally, of somewhat indefinite meaning - could, simply by their own requests for "separate representation", greatly increase their own roles in conferences, and could perhaps even enlarge the number of delegations to a degree inconvenient for the conduct of the business.

The situation under discussion is different from that which arose with regard to Nigeria in the United Nations Tin Conference of 1960, when Nigeria had not yet attained independence. At that Conference the United Kingdom made in respect of Nigeria the notification provided for in rule 1 of the commodity conference rules of procedure, and the Nigerian delegation sat and voted separately from that of the United Kingdom, with its own placard bearing the word "Nigeria". In that case Nigeria was the only territory which the United Kingdom notification declared to be mainly interested in the exportation of tin, and consequently it could have a delegation by itself.

The procedure to be envisaged regarding the Coffee Conference is as follows. The United Kingdom, in reply to the letter of invitation, would make a notification that certain of its territories, whose names should be given, are mainly interested in the exportation of coffee, and that consequently separate representation will be provided for them. At the Conference, the representatives of those territories can be seated behind a single placard which will either give the names of all the territories concerned or will use some general expression such as "United Kingdom exporting territories". That delegation will have one vote, as will the United Kingdom delegation for the importing territories. It will be entirely for the exporting territories' delegation to make arrangements within itself as to who is to express the point of view of the delegation on particular subjects, and how the single vote is to be cast if any need of doing so arises.

We assume that the United Kingdom will issue credentials for both the exporting and the importing delegations, in a form satisfying rule 2 of the provisional rules of procedure. The two delegations will be listed separately in the list of delegations prepared by the Secretariat. With regard to the exporting delegation, there would be no objection to indicating in the list the various territories from which the different members of the delegation come, and the official posts they occupy in those territories.

13 June 1962.

11. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages - Legal implications of various proposals to extend participation in the Convention

Statement made by the Legal Counsel at the 1142nd meeting of the Third Committee of the General Assembly on 4 October 1962 (A/C.3/L.985)

I understand that the distinguished representative of Ireland has requested that the Secretariat indicate how it would seek to implement the proposal now before this Committee (A/C.3/L.982 and Add.1) providing that the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages shall be automatically open for signature on behalf of all States. I also understand that my distinguished friend, Mr. Baroody of Saudi Arabia, has asked an additional question. I will reply to that in due course. Before defining the Secretariat's position, I would like to draw the attention of this Committee to the fact that there is not, so far as I can ascertain, any example of a convention concluded under the auspices of the United Nations providing that the convention is automatically open to all States. You will notice I use the word "automatically". I did so advisedly. Indeed, the Constitution of the World Health Organization, concluded under United Nations auspices, provides that membership in WHO is open to all States. However, this provision is qualified by the fact that under other provisions in the same Constitution, membership is only automatic in the case of Members of the United Nations, and certain other States invited to send observers to the Conference which drew up the Constitution. In the case of all other States, applications for membership have to be submitted to and approved by a majority of the Health Assembly.

I wish to note here, in parenthesis, that this seems to be near the proposal suggested today by Mr. Baroody. Furthermore, the provisions for membership in the WHO Constitution are in practice similar to a provision found in some United Nations conventions to the effect that they are open to Members of the United Nations and any other State to which the Assembly addresses an invitation to become a Party.

The reason for the absence of any example of a United Nations convention being automatically open to all States is, I think, very clear. The Secretary-General is responsible for the discharge of depository functions under United Nations conventions. These functions, for example, as you will see from the standard draft final clauses submitted in document A/4844, typically require the Secretary-General to send notifications to those States who are authorized to become Parties to the Convention, and particularly, to accept in deposit their instruments of ratification or accession. But it is also a universal characteristic for the final clauses of United Nations conventions that they tell to the Secretary-General precisely what States, or what classes of States, are authorized to become Parties. In the discharge of his responsibilities of an entirely legal and administrative character, the Secretary-General should not, and indeed cannot, be required to take a political decision of a very difficult character on whether or not a certain disputed entity is a State.

As the members of this Committee know, there are areas in the world the status of which is not clear. It would be inappropriate for the Secretary-General to determine, on his own initiative, whether or not these areas are "States" within the meaning of the depository clauses of a convention. If the "all States" formula were to be adopted, therefore, he would have no alternative but to seek explicit directives from this Committee and the General Assembly as to the complete list of States to which the Convention would be open. This, I believe, replies to the question put by the distinguished delegate of Ireland.

The distinguished delegate of Saudi Arabi submitted an idea that the Convention should be open to those States, besides the Member States of the United Nations, which submit a request to the General Assembly and are thereafter invited by it to become a Party of the Convention. There may be some political difficulties in the way of this suggestion, but it is not for me to comment upon them. I see no immediate legal difficulty, except perhaps one. The Assembly deals with matters only when, and only because, they have been put on its agenda. Article 13 of the rules of procedure defines who can put items on the provisional agenda of the General Assembly. I see no reference there

of any non-Member States being able to do that. There are, however, ways of avoiding this difficulty. For instance, any Member State can propose items. Perhaps this kind of request to become party to a convention should be addressed through another State which is a Member of the United Nations. There may be other alternatives. The procedure should, however, be defined. Otherwise how could a request received by the Secretariat be put on the agenda if the rules of procedure do not provide automatically for the inclusion of such an item? That is the only legal difficulty I can see.1/

1/ The following exchange of views (A/C.3/SR.1142, para. 28-31) took place after the Legal Counsel's statement:

The CHAIRMAN asked the Legal Counsel what would be the situation if a State, which was not a Member of the United Nations or a member of any of the specialized agencies, and which wished to become a Party to the Convention submitted its request through the Secretary-General. If that solution was possible, the wording suggested by the Saudi Arabian representative could be amended to take it into account.

Mr. STAVROPOULOS (Legal Counsel) pointed out that rule 13 (g) of the General Assembly's rules of procedure enabled the Secretary-General to ask for the inclusion in the provisional agenda of all items which he deemed it necessary to put before the General Assembly. That gave him the opportunity, if he saw fit, to place before the Assembly the request of any State which wished to become a Party to the Convention.

Mr. DIAZ CASANUEVA (Chile) thought that the Saudi Arabian representative's suggestion had certain merits. Instead of active powers being conferred on the General Assembly, the State concerned would be called upon to take the initiative. The principle of universality would thus be better safeguarded than by the wording proposed by the United States. Nevertheless, he asked the Legal Counsel whether, if either of the two formulas, and especially the United States proposal which gave the initiative to the General Assembly, were adopted, the Assembly would be competent to confer the status of a State on a given territory or country, seeing that it was not a legal, but essentially a political organ. Moreover, none of the proposed amendments specified the majority by which the Assembly should take a decision on the matter.

Mr. STAVROPOULOS (Legal Counsel) stressed that the General Assembly could not give legal recognition to a State if that entailed individual recognition by each Member of the Assembly. Nevertheless, in treating a country as a State, the Assembly would thereby confer upon it the status of a State in respect of its relations with the United Nations, whatever might be the value of such an act at the international level. In that connexion, he recalled that the General Assembly had already on two occasions, by means of a general definition, invited non-member countries to accede to conventions adopted by it. Those cases were the Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 (III)) and the Convention on the Political Rights of Women, and the countries concerned, which were still not Members of the United Nations, were the Principality of Monaco, the Republic of Korea, Switzerland, the Principality of Liechtenstein, the Republic of Viet-Nam, the Federal Republic of Germany and the Republic of San Marino.

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12. Accession of new States to multilateral conventions concluded under the auspices of the League of Nations - Legal implications of a proposal to open those conventions to new parties with the tacit consent of a majority of the States already parties.

Statement made by the Legal Counsel at the 748th meeting of the Sixth Committee of the General Assembly of 29 October 1962 (A/C.6/L.506)

/Australia, Ghana and Israel had submitted a draft resolution (A/C.6/L.504/Rev.1) by which the General Assembly would (1) request the Secretary-General to ask the Parties to the Conventions listed in the Annex to the resolution to state, within a period of twelve months from the date of the inquiry, whether they object to the opening of those of the conventions to which they are Parties, for accession by any State Member of the United Nations or member of any specialized agency; (2) authorize the Secretary-General, if the majority of the Parties to a convention have not within the period referred to in paragraph 1 objected to opening that convention to accession, to receive in deposit instruments of accession thereto which are submitted by any State Member of the United Nations or member of any specialized agency; and (3) recommend that all States Parties to the conventions listed in the Annex of the resolution recognize the legal effect of instruments of accession deposited in accordance with paragraph 2./

The question has been raised whether it is legally possible to provide in a resolution of the General Assembly that the Secretary-General should receive instruments of accession to League of Nations Treaties from new States if only a majority of the States parties to those treaties, but not all of them, expressly or tacitly consent thereto. Can a majority rule be used in order to open the old treaties to new parties, or is it necessary to have unanimity of the States already parties?

The majority rule has already been used by the General Assembly in amending treaties of the League of Nations. At various dates between 1946 and 1953 the Assembly approved seven different Protocols amending League treaties on narcotic drugs, the traffic in persons, obscene publications, economic statistics and

slavery. All of these Protocols amended old treaties so as to permit accession by all Members of the United Nations and by certain non-members. All of the seven Protocols provided for the entry into force of the amendments when either a majority of the parties to the League treaties, or a specified number constituting about half of such parties, had become parties to the Protocols. Thus from the time that a simple majority of the parties - or a fixed number of them constituting approximately a simple majority - accepted the amendments, the Secretary-General was authorized to receive instruments of accession from new States.

The draft resolution before the Sixth Committee follows the same majority rule as was embodied in the seven Protocols which the General Assembly has approved. It goes beyond those precedents only in regard to the method by which the parties to the League treaties give their consent. Under the Protocols, they were required to take formal action to become parties to those Protocols; under the draft resolution, a simple failure to object within twelve months is taken as an indication of consent. A number of the Protocols made more extensive amendments than merely opening the old treaties to new parties, and hence a formal procedure for consent was suitable; but where the only object is to widen the possibilities for accession, the Committee may find that no such formality is necessary.1/

1/ The following exchange of views (A/C.6/SR.748, paras. 15, 16, 18 and 22-25) took place in the course of the same meeting:

Mr. SPERDUTI (Italy) said that he was prepared to support any appropriate proposal for opening to the new States the agreements concluded under the auspices of the League of Nations. However, he had misgivings about certain strictly technical and legal aspects of the revised draft resolution (A/C.6/L.504/Rev.1) before the Committee. It differed from the suggestions made in the International Law Commission's commentary of the draft articles on the law of treaties (A/5209, chap. II), in that its operative paragraph 1 envisaged not the express consent of the parties contemplated in the commentary, but a form of acquiescence - in other words, that the parties should be asked whether they objected to the opening of the conventions. There was obviously a distinct difference between express consent and acquiescence. In constitutional law, for example, a Government would generally have to secure parliamentary approval for express consent, but not for mere silence. ... In those circumstances, he wondered why the sponsors of the revised draft resolution had not required express consent

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13. Exercise of the functions of the Secretary-General during the interim period between Mr. Hammarskjöld's death and the election of U Thant as Acting Secretary-General.

Memorandum to the Director of Personnel

/A staff member whose temporary appointment had been terminated by a decision personally approved on 31 August 1961 by Mr. Hammarskjöld requested a review of this decision. On 27 September 1961, the Director of Personnel undertook such review and upheld the decision. On 27 March 1962, the Office of Legal Affairs submitted to the Joint Appeals Board, at the latter's request, a statement of the legal grounds supporting, in the Administration's view, the procedure followed in respect of the review of the original decision. Extracts of this statement, which was contained in a memorandum addressed to the Director of Personnel, are reproduced below./

... There is no room for doubt that as Director of Personnel you were entitled on 27 September 1961 to perform the administrative review under Staff Rule 111.3(a).

It may be recalled in particular that the late Secretary-General decided on 24 June 1956 to delegate authority to make decisions in the personnel field to

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rather than mere absence of objection. If there were a rule of international law that absence of objection and express consent produced the same effects, express consent would be of course unnecessary; but he doubted whether that was an established rule of the law of treaties. He asked the Legal Counsel whether the seven Protocols cited as precedents had not required the express consent of a certain number of States parties to the conventions to be amended. ...

Mr. STAVROPOULOS (Legal Counsel) said, in reply to the representative of Italy, that in the present context it had been United Nations practice for the past sixteen years to prefer the term "rejected" to the term "accepted". That had been a matter of pure convenience, since experience had shown that, when inquiries were addressed to States concerning the opening of conventions to which they were parties for accession by other States, it was much more practical to state that their failure to reject those accessions within a certain period would be taken as evidence of assent, rather than to call upon them for a definite statement of acceptance. Owing to limitations of staff, many States were often slow in replying to inquiries; but it would not be fair to assume that their failure to reply meant that they were unwilling to permit the accession of other States. The case of the seven Protocols to which he had referred was quite different, since they had involved amendments, and it was inconceivable that an amendment could be accepted by tacit consent.

(foot-note continued on following page)

the Director of Personnel, except for certain decisions which would either be taken by him personally or would be taken by the Director of Personnel and the Controller acting in agreement and which exceptions do not include decisions affirming a termination of temporary appointments. This delegation of authority would, in our opinion, by itself provide a sufficient legal basis for your decision of 27 September 1961 in the case under consideration.

As a further point, which is applicable during the interim period between Mr. Hammarskjöld's death and the election of U Thant as Acting Secretary-General, it is clearly established under precedents followed since January 1956 that each Under-Secretary, in the absence of the Secretary-General, exercised final responsibility for the work of his Department or Office. The exercise of the functions of the Secretary-General did not lapse, nor were they in abeyance, during the interim but continued to be exercised by each Under-Secretary within

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Mr. USTOR (Hungary) ... Moreover, some conventions involved the problem of State succession. Where a new State clearly indicated that it did or did not consider itself the successor of an original party to a convention, there would be no difficulty; but he wondered if the Secretary-General would always be able to state exactly which States were parties to a convention by virtue of State succession.

Mr. BERNSTEIN (Chile) said that his delegation agreed with the representative of Italy that the accession of new States would necessarily involve important constitutional problems which could not be ignored. In connexion with the Convention concerning the Use of Broadcasting in the Cause of Peace (A/C.6/L.498), he asked the Legal Counsel whether the accession to that Convention of new States which had not been Members of the League of Nations would be considered an amendment to its articles 8 and 10. In his opinion it would.

Mr. STAVROPOULOS (Legal Counsel) said, in reply to the representative of Hungary, that in practice either the Secretariat knew already which States were the successors of States parties to conventions, or, if there was any doubt, it asked States directly whether they considered themselves successors.

In reply to the representative of Chile, he said that there was no doubt that the accession of new States to the Convention concerning the Use of Broadcasting in the Cause of Peace would constitute an amendment to its articles 8 and 10.

the sphere of his competence. Consequently, even without the specific delegation of authority referred to in the preceding paragraph, you, as Director of Personnel, were entitled to exercise the functions of the Secretary-General under the Staff Rules and Regulations during the interim between the death of Mr. Hammarskjöld and the election of U Thant.

27 March 1962.

14. Meaning of the expressions "in consultation with" and "after consultation with" in the practice of the United Nations.

Note to the Legal Counsel of the Food and Agriculture Organization of the United Nations

United Nations practice

1. Relatively frequent references to the concept of "consultations" may be found in United Nations documents of a legal character. The expressions "in consultation with" and "after consultation with" have been used in the United Nations Charter, in international agreements concluded under the auspices of the Organization or to which the Organization was a party, and in various resolutions of the principal organs. It appears clearly from the examination of these texts that the obligation "to consult with" was consistently construed as requiring the "consulting party" to seek the views of the party which was to be consulted and to give due consideration to the views expressed in reaching the decision as to the specific action to be taken. The consulting party was considered as having the sole responsibility for taking such final decisions as it considered appropriate in the light of the consultations it previously held.

When the authors of the United Nations Charter, or representatives of Governments or members of the Secretariat who were responsible for the formulation of international agreements or resolutions, considered that the approval of another party was required for an action to be taken, they used such expressions as "with the agreement of",[1/] "in agreement with",[2/] or "with the prior concurrence of".[3/]

1/ E.g. General Assembly resolution 1405 (XIV).

2/ E.g. General Assembly resolutions 1609 (XV) and 1642 (XVI).

3/ E.g. General Assembly resolutions 1444 (XIV), 1445 (XIV) and 1736 (XVI).

2. In interpreting United Nations texts, therefore, "consultation" must be distinguished from "agreement", "concurrence" or "consent" unless it is clearly indicated in the text that the purpose of consultation is to obtain agreement. On the other hand, it may be said that while certain differences of emphasis may exist, the expressions "in consultation with" or "after consultation with" have a similar connotation as "taking into account the views of"[1/] or "bearing in mind the recommendations of"[2/] in the sense that these latter expressions do not require agreement with the views expressed or the recommendations made.

3. United Nations practice does not indicate any significant difference between the expressions "in consultation with" and "after consultation with". The former expression may refer to a more continuous process leading to the reaching of a decision by the consulting party; the latter may more clearly distinguish between the two stages, that of consultations and that of decision-making.

4. The following paragraphs contain a few illustrations based on United Nations practice of the meaning given in United Nations legal texts to the requirement "to consult".

Interpretation of the expression "in consultation with" as used in Article 87 of the Charter

5. The expression "in consultation with" may be found in Article 87 of the United Nations Charter, relating to the functions and powers of the General Assembly and the Trusteeship Council in relation to the international trusteeship system. Article 87 states:

> "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". (Underscoring supplied)

1/ E.g. General Assembly resolutions 1512 (XV) and 1572 (XV).

2/ E.g. General Assembly resolution 1517 (XV).

6. The procedure for the acceptance and the examination of petitions as described in the rules of procedure of the Trusteeship Council provides in particular for "complete and precise written observations by the Administering Authority concerned ... transmitted within three months of the date" of the receipt of the petitions by the Administering Authority. (Rule 86, paragraph 4)

Rule 92 provides that:

> "In the examination of all petitions the Administering Authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved".

Under rule 90 the preliminary examination of the petitions is entrusted to a Standing Committee on Petitions. The Standing Committee on Petitions meeting between sessions of the Council may

> "conduct, in consultation with the representative of the Administering Authority concerned, a preliminary examination of those petitions on which written observations by the Administering Authority are available. In particular it may formulate any questions to be submitted to the Administering Authority, or to the special representative ...". (Underscoring supplied)

The practice of the Standing Committee is to adopt resolutions on the petitions submitted to it after a debate in which the special representative of the Administering Authority concerned is entitled to participate. The Standing Committee has never required either explicitly or implicitly the agreement or consent of the Administering Authority to the draft resolutions which it recommended to the Council.

Following their consideration by the Standing Committee draft resolutions on petitions are submitted for approval by the Trusteeship Council, of which each Administering Authority is a member. Draft resolutions on petitions have always been considered as adopted when they obtained a majority of the votes of the members of the Council, even when there was no concurring vote of the member representing the Administering Authority.

7. This interpretation of the term "in consultation with" as used in Article 87 b of the Charter is strengthened by a comparison with Article 87 c which provides for periodic visits to Trust Territories at times "agreed upon" with the Administering Authority.

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The distinction was given more specific expression in article 2 of the Trusteeship Agreements for the former Trust Territories of the Cameroons and Togoland under French Administration, which specified that the French Government, in its capacity of Administering Authority, undertook to collaborate fully with the General Assembly and the Trusteeship Council in the discharge of their functions as defined in Articles 87 and 88 of the Charter, and in particular:

> "2. To appoint a representative and, where necessary, qualified experts to participate, in consultation with the General Assembly or the Trusteeship Council, in the examination of petitions received by those bodies;
>
> "3. To facilitate such periodic visits to the Territory as the General Assembly or the Trusteeship Council may decide to arrange; to decide jointly with these bodies the dates on which such visits shall take place, and also to agree jointly with them on all questions concerned with the organization and accomplishment of these visits;". (Underscoring supplied)

Interpretation of the terms "for consultation with" and "after consultation with" as used in Article 71 of the Charter

8. Article 71 of the Charter provides that the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations and that such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

9. Paragraph 14 of resolution 288 B (X) of the Economic and Social Council, which sets forth one of the "Principles governing the nature of the consultative arrangements", reads in part as follows:

> "Decisions on arrangements for consultation should be guided by the principle that consultative arrangements are to be made, on the one hand, for the purpose of enabling the Council or one of its bodies, to secure expert information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to enable organizations which represent important elements of public opinon to express their views ...". (Underscoring supplied)

10. In the case of national organizations, the practice has been for the Council Committee on Non-Governmental Organizations, which is responsible for the examination of applications for consultative status, to consider such applications from national organizations only if the consent of the Member State concerned has been previously obtained. This must be considered, however, as a

decision of the Committee as to its methods of work, which the Committee was entitled to adopt within its discretionary powers, without being obliged to do so because of the use of the words "after consultation with the Member of the United Nations concerned" (Article 71 of the Charter).

Articles 63 and 106 of the Charter

11. References to "consultations" may be found in two other Articles of the United Nations Charter.

Paragraph 2 of Article 63 of the Charter states that the Economic and Social Council "may coordinate 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". (Underscoring supplied)

Consultations on various matters are provided for in the relevant agreements between the United Nations and the specialized agencies concluded under paragraph 1 of Article 63 of the Charter. They relate to such matters as proposals of agenda items, consideration of recommendations, location of Headquarters, employment of staff, co-ordination in budgetary and financial arrangements, financing of special services. It is well known that these agreements, as interpreted in the course of the years, have not been construed as requiring the consent of the organization which is to be consulted to enable the consulting organization to take such action as its competent organs may deem appropriate in the light of consultations held.

12. Article 106 of the Charter provides for transitional security arrangements pending the coming into force of special agreements referred to in Article 43. The United Kingdom, the United States, the USSR, China and France are to "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 which may be necessary for the purpose of maintaining international peace and security". This Article has not yet received a formal interpretation by United Nations organs as to the meaning of consultations "with a view to joint action".

Discussion of the term "after consultation with" as used in the Trusteeship Agreement for the former Trust Territory of Somaliland and in the Declaration of Constitutional Principles annexed to that Trusteeship Agreement

13. The records of the discussions in January-April 1950 of the provisions of the Draft Trusteeship Agreement for the former Trust Territory of Somaliland under Italian Administration and of the Declaration of Constitutional Principles which was appended to the Agreement provide further indications as to the meaning given to the expression "after consultation with" in United Nations texts.

14. The Draft Trusteeship Agreement for the former Trust Territory of Somaliland under Italian Administration prepared in the Committee for Italian Somaliland[1/] contained the following provisions:

Article 6, paragraph 2:

> "The Administering Authority, after consultation with the Advisory Council, may establish installations and take all measures in the Territory including the progressive development of Somali defence forces, which may be necessary, within the limits laid down in the Charter of the United Nations, for the defense of the Territory and for the maintenance of international peace and security." (Underscoring supplied)

Article 14, second paragraph:

> "The Administering Authority shall not, without the consent in each case of a two-thirds majority of the members of the Territorial Council (provided for in the Annex), permit the acquisition by non-indigenous persons or by companies or associations controlled by such persons of any rights over land in the Territory save on lease for a period to be determined by law. In cases involving the alienation to non-indigenous persons or to companies or associations controlled by such persons of areas of agricultural lands in excess of one thousand acres, the Administering Authority shall also request the advice of the Advisory Council. The Administering Authority shall include in its annual report to the Trusteeship Council a detailed account of such alienations." (Underscoring supplied)

15. During the consideration of the draft trusteeship agreement at the sixth session of the Trusteeship Council, the representative of Belgium suggested that the wording "after consultation with the Advisory Council", in article 6, and the wording "shall also request the advice of the Advisory Council", in article 14, should be made uniform if the procedure envisaged in both cases were identical.[2/]

1/ T/449.

2/ Official Records of the Trusteeship Council, Fourth Year, Sixth Session, 4th meeting, para. 2.

16. The representative of the Philippines made the following observation:[1]

> "Divergent views had been advanced in the Committee for Italian Somaliland, certain members having held that the Administering Authority should not establish installations and take such measures as might be necessary for defence without the authorization of the appropriate United Nations bodies, whereas others had been opposed to such a restriction. Article 6 was a compromise, the Administering Authority being allowed to take the action provided for in paragraph 2 'after consultation with the Advisory Council'. Assuming that his interpretation of the Committee's attitude was correct, he would submit that the purpose of the formula was to ensure that the Administering Authority take no action before consulting the Advisory Council. The term 'consultation' was wider in its implications than the term 'requesting advice', and, in the view of his delegation, meant that unless and until the Advisory Council had agreed to the establishment of installations and the taking of measures, the Administering Authority could not take action for the defence of the Territory."

17. Commenting on the Philippine statement, the representative of Belgium considered that "after consultation with" was certainly more specific than "request the advice of", but neither concept was as strong as "with the agreement of".[2]

18. The representative of Italy agreed with the views expressed by the Philippine representative and stated that the word "consultation" had been used with the possibility in mind that, if for serious reasons connected with the maintenance of public order, the Administering Authority felt obliged to act without having concluded an arrangement with the Advisory Council, it would be incurring a "very serious political responsibility" towards the Trusteeship Council. The word "consultation", in his view, had been used to underline the serious nature of that responsibility.[3]

19. The representative of the United States concurred with the views of the Philippine representative on the difference between consultation and advice; the former implied a continuous process, the latter denoted a definite act. A request for advice could be answered either in the affirmative or in the negative, but consultation involved collaboration and discussion. He

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1/ Ibid., para. 4.

2/ Official Records of the Trusteeship Council, Sixth Session, 4th meeting, para. 8.

3/ Ibid., page 11.

was convinced that the term "after consultation" provided a correct and appropriate expression of the intentions of the Committee for Italian Somaliland.[1]

20. After this discussion, article 6, as drafted by the Committee for Italian Somaliland, was adopted by the Trusteeship Council.

21. The Committee for Italian Somaliland also drafted a Declaration of Constitutional Principles which was annexed to and constituted an integral part of the draft trusteeship agreement for Somaliland. The discussion in that Committee of a provision relating to defence and foreign affairs to be included in the draft Declaration may be considered as throwing light on the interpretation of the term "after consultation with" in article 6, paragraph 2, of the draft trusteeship agreement. On that occasion, India had proposed the following text, which was identical with the text proposed by the Philippines:[2]

> "In matters relating to defense and foreign affairs, the Administrator[3] shall be responsible to and carry out the directions of the United Nations acting through its appropriate organs." (Underscoring supplied)

22. The representatives of France and the United States considered that such an article was at variance with the provisions of article 5 (which later became article 6), paragraph 2, of the draft trusteeship agreement as adopted.[4] The representative of the United Kingdom said that while the General Assembly had considered some supervision of the Administering Authority's defence measures desirable, there could be no question of any initiative by the United Nations in the matter, as proposed in the Indian Text. Nor should the United Nations, at that stage of development of international security, seek to give a non-member State directions which it was not yet competent to issue to Member States.[5] The representative of Italy stated that the responsibility of the Administering Authority had no meaning if it excluded direct responsibility for defence and that, in any case, the whole matter had been settled by the adoption of article 5 of the draft trusteeship agreement.[6]

1/ Ibid., para. 12

2/ T/AC.18/L.5 (article 4 proposed by India and article 8 proposed by the Philippines).

3/ The Administrator was to be the executive Chief of the Territory.

4/ T/AC.18/SR.11, p. 5.

5/ Ibid., p. 6.

6/ Ibid., p. 6.

23. On the other hand, the representative of the Philippines favoured the retention of the Indian text for the reason that in the event of the Administering Authority taking such steps as establishing military bases and stationing troops in the Territory after consultation with the Advisory Council, the United Nations should be in a position to supervise the measures adopted.[1] The representative of Iraq proposed a version slightly different from the Indian text but similar in substance.

24. After discussion, the following text, based on the oral proposal of the representative of France, was adopted,[2] which later became article 6 of the Declaration:

> "In matters relating to defense and foreign affairs, as in other matters, the Administering Authority shall be responsible to the Trusteeship Council and shall take into account any recommendations which the Council may see fit to make."

25. Another instance dealing with the term "in consultation with" was the drafting of a provision relating to legislative authority for inclusion in the draft Declaration. In this case, the delegation of the Philippines proposed the following provision:[3]

> "In exceptional circumstances, the Administrator may, with the advice and consent of the Advisory Council, make and promulgate such ordinance as in his opinion the circumstances demand ...". (Underscoring supplied)

26. During the discussion in the Committee for Italian Somaliland, the representative of the United States moved the adoption of this provision, subject to the substitution of the words "after consultation with" for the words "with the advice and consent of".[4] This amendment was accepted by the representative of the Philippines and the text, as amended, was adopted by the Committee as the first paragraph of article 5 of the draft Declaration.

1/ Ibid., p. 5-6.

2/ Ibid., p. 7.

3/ T/AC.18/L.5 (article 10 of the Philippines' proposals).

4/ T/AC.18/SR.11, p. 4.

Practice with respect to the term "in consultation with" used for the purpose of making appointments

27. Since its first session the General Assembly has adopted a number of resolutions requesting the Secretary-General to make appointments in consultation with other bodies or Governments concerned. For instance, in its resolution 57 (I), the General Assembly requested the Secretary-General to appoint the Executive Director of the International Children's Emergency Fund in consultation with the Executive Board. In its resolution 302 (IV) the Assembly requested the Secretary-General to appoint the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in consultation with the Governments represented on the Advisory Commission established by the same resolution. In such cases the practice has been that the Secretary-General would call a meeting of the body concerned or contact the individual Governments concerned for the purpose of consultations. During such consultations he would indicate the name of the candidate he had in mind and seek to obtain the reactions of those consulted to his appointment. Subsequently to the consultations, the Secretary-General would announce the appointment he had decided to make. It may be noted in this connexion that since the opinion of the members of the body concerned or that of the individual Governments which are to be consulted may not be unanimous, it is necessary that the Secretary-General exercise his discretion in such cases by taking into account the various views expressed and making the appointment as he sees fit.

Practice with respect to the term "in consultation with" used for the purpose of preparing studies or reports

28. Numerous resolutions have been adopted by the General Assembly which requested the Secretary-General or certain other organs to prepare studies or reports in consultation with other bodies or governments. The following are given as examples of some of the recently adopted resolutions and their implementation in practice.

29. In its resolution 1424 (XIV), the General Assembly requested the Secretary-General to examine, in consultation with the Governments of Member States, ways and means of making further progress towards the early establishment of a United Nations capital development fund and invited the Secretary-General to

report on this matter to the Economic and Social Council and to the Assembly. The Secretary-General, in his report to the Economic and Social Council, stated that in accordance with the resolution, a communication was sent to Member States drawing their attention to the terms of the resolution and requesting "the expression of their views on" the early establishment of the fund. He further reported that the replies from Member Governments, which were annexed to the report, did not indicate any significant new developments in connexion with the establishment of the fund.[1/]

30. In its resolution 1558 (XV), the General Assembly requested the Secretary-General, in consultation with the Consultative Panel on Public Information and the Advisory Committee on Administrative and Budgetary Questions, as appropriate: (a) to give high priority to the opening of information centres or arranging for adequate information facilities in the less developed areas by effecting economies in other directions; (b) to intensify his efforts to achieve a more effective regional representation at the policy-making level of the Office of Public Information; and (c) to report to the General Assembly at its sixteenth session on the progress made in implementing the resolution. In compliance with this request, the Secretary-General submitted his report in which he stated that he had "consulted with" both organs named in the resolution "with regard both to the policies and programmes of the Office of Public Information and to the content of this report".[2/] It may be interesting to note with respect to the Consultative Panel on Public Information that at its first meeting the Panel specifically agreed that its functions were purely advisory to the Secretary-General and that there would be no voting at the conclusion of its deliberations.

31. On occasion, the General Assembly has explicitly indicated the meaning of consultation. Thus, in its resolution 1414 (XIV), the Assembly invited the Economic and Social Council to make a study of all opportunities for international co-operation which could be of interest to the former Trust Territories which had become independent, within the spheres and in the framework of programmes of international assistance, and recommended that the Council should consult with the Governments of such countries "for the purpose of ascertaining their views" (underscoring supplied) with respect to those questions.

1/ Official Records of the Economic and Social Council, Thirtieth Session, Annexes, agenda items 2 and 4, document E/3393, paras. 1-2 and 4.

2/ Official Records of the General Assembly, Sixteenth Session, Annexes, document A/4927, para. 3

32. In its resolution 1713 (XVI) on the role of patents in the transfer of technology to under-developed countries, the General Assembly requested the Secretary-General to prepare a report on the various aspects of the subject "in consultation with appropriate international and national institutions and with the concurrence of the Governments concerned". (Underscoring supplied)

33. It may therefore be said that either the language or the implementation in practice of such resolutions of the General Assembly as those illustrated above indicates that consultation is a process by which the views of the parties consulted are merely sought or ascertained and that the distinction is carefully made between the use of the expressions "in consultation with" or "after consultation with" and such expression as "with the concurrence of".

10 May 1962.

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B. LEGAL OPINIONS OF THE SECRETARIAT OF INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. INTERNATIONAL LABOUR OFFICE

The following memoranda concerning the interpretation of international labour Conventions were prepared by the International Labour Office at the request of Governments:

(a) Memorandum concerning the Night Work (Bakeries) Convention, 1925 (No. 20), prepared at the request of the Government of Sweden, 8 May 1962. Official Bulletin, vol. XLV, No. 3, July 1962, p. 225-6. English, French, Spanish.

(b) Memoranda concerning the Sickness Insurance (Industry) Convention, 1927 (No. 24), the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), the Holidays with Pay (Agriculture) Convention, 1952 (No. 101) and the Social Security (Minimum Standards) Convention, 1952 (No. 102), prepared at the request of the Chairman of a Sub-committee of the Northern Committee for Social Policy which was examining the possibilities of ratification of certain international labour Conventions by the States members of that Committee. 26 February and 26 April 1962. Official Bulletin, vol. XLV, No. 3, July 1962, p. 226-240. English, French, Spanish.

(c) Memorandum concerning the Maternity Protection Convention (Revised), 1952 (No. 103), prepared at the request of the Austrian Government, 14 May 1962. Official Bulletin, vol. XLV, No. 3, July 1962, p. 242-8.

(d) Memorandum concerning the Seafarers' Identity Documents Convention, 1958, (No. 108), prepared at the request of the Government of the United Kingdom, 13 August 1962. Official Bulletin, vol. XLVI, No. 3, July 1963, p. 466-7.

2. SECRETARIAT OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Although the Secretariat of UNESCO has no special authority to interpret the provisions of Conventions adopted by the General Conference of UNESCO, it has always considered it to be its duty to assist Governments in this respect, whenever

they so request, by placing at their disposal whatever information it possesses. During 1962 the Secretariat had occasion to prepare the following two memoranda concerning the interpretation of certain provisions of Conventions adopted by the General Conference:

(a) Meaning of the term "nationals" in article 3, paragraph (c) of the Convention against Discrimination in Education (1960).

1. The question raised ... concerns the exact meaning of the term "nationals as it appears in article 3, paragraph (c) of the Convention against Discrimination in Education, adopted by the General Conference of UNESCO on 14 December 1960.

2. Article 3 of the Convention reads, in part, as follows:

> "In order to eliminate and prevent discrimination within the meaning of this Convention, the States parties thereto undertake:
>
> .....
>
> (c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;
>
> ....."

3. Historically, the above provision appears to have its origin in one of ten "fundamental principles" embodied in a resolution adopted by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in March 1957, on the proposal of its Special Rapporteur (M. Charles Ammoun of Lebanon). This principle was worded as follows:

> "7. No difference of treatment should be applied by the public authorities as between persons or distinct groups of persons, except on the basis of merit and need, in respect to:
>
> (a) school fees and expenses;
>
> (b) assistance to pupils and students (in the form of educational material, board and lodging, clothing, scholarships or loans, etc.".

4. In the questionnaire sent to Member States (UNESCO/ED/167) a question was put regarding this principle, the wording "as between persons or distinct groups of persons" being retained.

5. In the draft text of the Convention contained in the Final Report of the Director-General (UNESCO/ED/167 Add.1) the clause was worded as follows:

> "The States parties to this Convention undertake:
>
> ...
>
> (d) not to allow any difference of treatment by the public authorities, except on the basis of merit and need in the matter of school fees; in the granting of permits and facilities which may be necessary for the pursuit of studies in foreign countries; in the award of scholarships and the grant of any form of assistance to pupils."

6. The Special Committee of Government Experts to whom the draft Convention was submitted made some changes in the provision quoted above, none of which were relevant to the question at hand. The report of the Committee (11C/5 Annex III) contains no reference to any discussion on this point.

7. At the General Conference, the draft Convention as adopted by the Special Committee of Governmental Experts was submitted to a working party of the Programme Commission. The report of that Working Party contains the following passage on article 3, paragraph (c):

> "25. Article 3 (c) declares that the States Parties to the Convention undertake not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries. Although article 1, which enumerates the factors constituting discrimination, makes no mention of 'nationality', the Working Party decided, on the proposal of the delegation of Italy and by 13 votes to 2, with 3 abstentions, that it was necessary - the 'discrimination' not being repeated in this provision - to mention that the prohibition of 'differences of treatment' applied only 'between nationals'. It was observed that, since this was chiefly a matter of the granting of advantages and the distribution of various forms of assistance, financial, technical and other necessities had to be borne in mind, and that in any event it would be unrealistic to insist that States should make no differentiation between their treatment of their own nationals and that of foreigners. The Working Party did not, however, accept the proposal of the delegation of Malaya that allowance should be made 'for the national policy of each individual State, in interpreting the provisions of this paragraph' (by 10 votes to 4, with 4 abstentions)." (11C/Resolutions, p. 210)

8. The records of the Programme Commission and of the plenary sitting of the General Conference at which the Convention was adopted contain no indication that the matter was reopened at a later stage.

9. As indicated in the above quotation from the report of the Working Party, the restrictive wording "between nationals" was introduced during the last stages of the preparation of the Convention, for reasons which are made clear in that report.

10. It appears therefore that the wording "between nationals" was meant to refer, as far as the States parties to the Convention are concerned, to "their own nationals."

11. It would seem to follow from the above, if this interpretation is accepted, that the question of reciprocity need not arise and that consequently a revision of the Convention, which could be brought about only in accordance with the procedure outlined in its article 18, would also appear unnecessary.

21 March 1962.

(b) Interpretation of certain provisions of the Convention concerning the International Exchange of Publications (1958) and of the Convention concerning the Exchange of Official Publications and Government Documents between States (1958). 1/

1. The question raised turns essentially on the interpretation which should be given to the word "destination" in article 5 of the Convention concerning the International Exchange of Publications (1958).2/

2. As the letter refers, in this connexion, to the Convention for the International Exchange of Official Documents, Scientific and Literary Publications, concluded at Brussels on 15 March 1886, it should be recalled, first, that this Convention - the so-called "Brussels Convention" - remains in force for the States

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1/ Original text in French. Translation by the Secretariat of the United Nations.

2/ United Nations, Treaty Series, vol. 416, p. 51.

which have ratified it. Moreover, the adoption by the General Conference of UNESCO, in 1958, of the Convention concerning the International Exchange of Publications did not have the effect of amending the Brussels Convention. In fact, article 11 of the 1958 Convention states very definitely that the Convention "shall not affect obligations previously entered into by the Contracting States by virtue of international agreements".

3. It follows that certain exchanges may continue to be governed wholly and exclusively by the provisions of the Brussels Convention and that the interpretation properly applicable to the provisions of the 1958 Convention cannot be extended automatically to the provisions of the Brussels Convention and vice versa.

4. On the other hand, the provisions of the 1958 Convention concerning the International Exchange of Publications should be considered in conjunction with those of a second Convention, adopted at the same time as the first, and relating to the exchange of official publications and government documents between States.[1/]

Indeed, these two Conventions partially overlap in scope, as the Convention concerning the International Exchange of Publications applies both to non-official publications and to the official publications with which the second Convention is solely concerned.

5. The exchange systems established in the two Conventions, however, definitely differ. In the case of the Convention concerning the Exchange of Official Publications and Government Documents between States, the exchanges contemplated are essentially from State to State - exchanges, that is, conducted between the national exchange services or other central exchange authorities. Under article 6 of this Convention, transmissions are, therefore, made directly between these authorities in both countries or, in some cases, between such authorities in the sending country and a recipient named by the authorities of the recipient country.

6. The Convention concerning the International Exchange of Publications meets a different sort of need. It deals not with exchanges between States but with exchanges between governmental bodies or non-governmental institutions defined in article 1, which the Contracting States, by virtue of that article, have merely undertaken to encourage.

1/ United Nations, Treaty Series, vol. 398, p. 9.

7. One method contemplated for this purpose in article 3 (a) is for the Contracting States to permit their national exchange services or other central exchange authorities to facilitate "the international exchange of publications, in particular by transmitting, when appropriate, the material to be exchanged." The role of the national services thus appears to be mainly to serve as a means of transmission, which may be used by the bodies and institutions desiring to undertake the exchange.

8. Article 4 of this Convention accordingly provides that the transmission may be made either directly between the bodies and institutions concerned, or through the national exchange service or exchange authorities.

9. Thus, according to the words of the Convention themselves, the national exchange service or central exchange authority is merely an intermediary between the real exchange partners - that is, between the bodies and institutions referred to in article 1. It seems, therefore, that the place of destination may be determined by the body or the institution which wishes the transmission to be effected - provided, naturally, that the national service to which the request is made agrees to undertake the transmission. In such cases, there would seem to be no reason why the transmission should not be made directly to the recipient body or institution; the sending State would then bear the cost of the transmission as far as this destination.

10. It may happen, however, that the national service or the central exchange authority in the sending country wishes to bear the cost of the transmission only as far as the corresponding national service in the recipient country. If the body or institution wishing the transmission to be effected agrees to this arrangement, the question would then arise as to who would bear the cost of the further transmission to the body or institution for which the transmission is intended.

11. The Convention does not seem to impose a clear obligation in such cases on the national service or the central authority of the recipient country. The Convention, in fact, provided expressly for only one case in which the recipient State would have to assume a part of the transport charges: in the case of transport by sea, the sending State assumes the cost of packing and carriage only as far as the customs office of the port of arrival; the cost of transmission from the port of arrival to the final destination consequently falls on the recipient State.

12. The national service or the central authority of the recipient country would, however, be free to accept this additional burden under special arrangements or, when appropriate, under bilateral agreements which would probably provide for reciprocal treatment with respect to the forwarding of transmissions to their final destination. Article 12 of the Convention provides expressly for such bilateral agreements.

8 March 1962.

3. SECRETARIAT OF THE INTERNATIONAL TELECOMMUNICATION UNION

The only relevant opinion published by the Secretariat of I.T.U. was a "Note on the operation of broadcasting stations on board ships or aircraft outside national territories". This appeared in English and French as I.T.U. document No. 757/CC (limited circulation) and was subsequently communicated to the Council of Europe which issued it in English and French as Confidential document EXP/Jur.Rad.Tel./Misc. (62) 6, dated 27 June 1962.

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PART THREE

JUDICIAL DECISIONS ON QUESTIONS RELATING TO THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

CHAPTER VII

DECISIONS OF INTERNATIONAL TRIBUNALS

1. INTERNATIONAL COURT OF JUSTICE

Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter): Advisory Opinion of 20 July 1962 1/

On 20 July 1962 the International Court of Justice delivered an advisory opinion on the question put to it by the General Assembly in resolution 1731 (XVI) of 20 December 1961. By 9 votes to 5, the Court was of opinion that the expenditures authorized in certain General Assembly resolutions enumerated in the request for opinion, relating to the United Nations operations in the Congo and in the Middle East undertaken in pursuance of Security Council and General Assembly resolutions likewise enumerated in the request, were "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter. There were appended to the opinion of the Court separate opinions by Judges Sir Percy Spender, Sir Gerald Fitzmaurice and Morelli, a declaration by Judge Spiropoulos, and dissenting opinions by President Winiarski and Judges Basdevant, Moreno Quintana, Koretsky and Bustamante y Rivero.

A detailed summary of this advisory opinion appears in the Annual Report of the Secretary-General of the United Nations on the work of the Organization, 16 June 1962-15 June 1963.2/

1/ I.C.J. Reports 1962, p. 151.

2/ Official Records of the General Assembly, Eighteenth Session, Supplement No. 1 (A/5501), pp. 121-124.

2. INTERNATIONAL COURT OF JUSTICE

South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections: Judgement of 21 December 1962 1/

On 21 December 1962 the Court delivered its Judgement in the South West Africa cases (Preliminary Objections). By 8 votes to 7 the Court found that it had jurisdiction to adjudicate upon the merits of the dispute. There were appended to the Judgement of the Court separate opinions by Judges Bustamante y Rivero and Jessup and Judge ad hoc Sir Louis Mbanefo, dissenting opinions by President Winiarski, Judge Basdevant, Judges Sir Percy Spender and Sir Gerald Fitzmaurice jointly, Judge Morelli and Judge ad hoc van Wyk, and a declaration of dissent by Judge Spiropoulos.

A detailed summary of this judgement appears in the Annual Report of the Secretary-General of the United Nations on the work of the Organization, 16 June 1962-15 June 1963.2/

1/ I.C.J. Reports 1962, p. 319.

2/ Official Records of the General Assembly, Eighteenth Session, Supplement No. 1 (A/5501), pp. 124-127.

CHAPTER VIII

DECISIONS OF NATIONAL TRIBUNALS

1. FRANCE

LOWER COURT OF THE SEINE

Essayan v. Jouve: Judgement of 1 October 1962.[1/]

Officials of the United Nations are immune from legal process only in respect of acts performed by them in their official capacity (article V, section 18 (a), of the Convention on the Privileges and Immunities of the United Nations) - The ordinary law of diplomatic immunity does not apply.

In an action relating to the occupation of a private dwelling the defendant, a French national and a representative of the United Nations High Commissioner for Refugees, had contested the jurisdiction of the court on the ground that, as a diplomatic agent in France of an international body, he enjoyed diplomatic immunity which he could not waive and which according to judicial authority even covered acts done by an agent as a private person. He cited in particular an agreement of 18 February 1953 between the French Government and the United Nations High Commissioner for Refugees in which the Government had granted to the High Commissioner's representatives in France the benefits and immunities conferred by the Convention on the Privileges and Immunities of the United Nations.

In its judgement the court rejected this plea, pointing out that the immunity from legal process granted to representatives of the High Commissioner by article V, section 18 (a), of that Convention, which had been ratified by France, was expressly restricted to their official acts and thus clearly differed from the total immunity granted to the envoys of foreign governments by the decree of 13 Ventôse, year II. The court stated further that the granting of a special immunity to United Nations officials obviously implied that they could not, simply as such, be equated with envoys of foreign governments, and that such equality of treatment was also precluded by the fact that the United Nations was constituted quite differently from a foreign government.

1/ Gazette du Palais, 16-19 February 1963.

2. SYRIA

COUNCIL OF STATE (ADVISORY SECTION)

Exemption of the United Nations Relief and Works Agency for Palestine Refugees in the Near East from municipal construction licence fees: Opinion of 16 December 1962. 1/

Taxes (impôts) and fees (taxes), direct taxes and indirect taxes: interpretation of article II, section 7 (a), of the Convention on the Privileges and Immunities of the United Nations - Primacy of international law over domestic law in the interpretation of these provisions.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) asked leave of the municipality of Homs to build within the municipal limits, and the municipality demanded payment of the construction licence fee payable under Act No. 151 of 8 January 1938 concerning municipal taxation. The Agency objected, citing the Convention on the Privileges and Immunities of the United Nations, applied to Syria by Legislative Decree No. 12 of 3 August 1953, as amended by Act No. 196 of 13 June 1960. The Ministry of Municipal and Rural Affairs sought the opinion of the Council of State. The Council, in an opinion of 16 December 1962 delivered by the plenary assembly of its advisory section, held that the fee was one of the "direct taxes" referred to in article II, section 7 (a), of the Convention, and that the Agency was therefore exempt. The Council pointed out that this term should not be interpreted according to Syrian law only but that account must also be taken of the meaning which the United Nations had attributed to it in drafting the Convention, since otherwise the text might be interpreted differently in different States Parties. Syrian legislation itself did not always draw a very clear distinction between a tax and a fee, and the municipal construction licence fee was a direct tax because it was levied directly for the benefit of the public funds, and the payer could not recover it from a third person. The draftsmen of the Convention on the Privileges and Immunities of the United Nations had intended to treat fees as, in principle, identical with direct taxes; since, after stipulating in article II, section 7 (a), that the United Nations and its property should be "exempt from all direct taxes", they had added:

1/ Text kindly furnished by the Agency.

"it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services". Even if under Syrian law the construction licence fee was not a direct tax, the term at issue must be interpreted in accordance with international law.

3. UNITED ARAB REPUBLIC

OFFICE OF THE STATE COUNSEL, PORT SAID

Memorandum of 21 November 1962 relating to Case No. 3526 of 1962, Eastern Division

Status of United Nations Emergency Force in Egypt - Criminal charge against member - Exchange of letters constituting an Agreement between the United Nations and the Government of Egypt, 8 February 1957.

A member of the Indian contingent of the United Nations Emergency Force stationed on territory of the United Arab Republic was accused of wilfully uttering a counterfeit United States five-dollar note.

The Exchange of letters constituting an Agreement between the United Nations and the Government of Egypt, 8 February 1957,[1/] paragraph 11, provides in relation to criminal jurisdiction that members of the Force shall be subject to the exclusive jurisdiction of their respective national States in respect of any criminal offences which may be committed by them in Egypt.

The State Counsel for the division therefore ruled that no proceedings in respect of the alleged acts could be instituted in a criminal court of Egypt.

1/ United Nations, Treaty Series, vol. 260, p. 61.

4. UNITED STATES OF AMERICA

COURT OF GENERAL SESSIONS, NEW YORK COUNTY

People of the State of New York v. Nicholas Coumatos: Judgement of 19 January 1962 1/

Distinction between governmental representatives and United Nations staff members for purposes of immunities - Jurisdiction over acts committed within the premises of the United Nations - Interpretation of articles III, V and VI of the Headquarters Agreement.

The defendant, an American citizen employed at the United Nations Headquarters as an inventory clerk on the payroll of the United Nations, had been arrested by the New York City Police outside the United Nations Headquarters and indicted for grand larceny committed in the United Nations Headquarters. He objected to the proceeding on the ground that the Court lacked jurisdiction by virtue of his position as a United Nations employee and in view of the fact that the alleged crime had taken place on the United Nations premises.

By a judgement of 19 January 1962, the Court of General Sessions sustained the indictment and found the defendant guilty. The Court (James E. Mulcahy, J.) pointed out that, while diplomatic immunity was extended to some categories of resident representatives of Member States to the United Nations under article V of the Headquarters Agreement of 26 June 1947 between the United States and the United Nations, officers and employees of the United Nations could only rely on the International Organizations Immunities Act of 1945,2/ whose provisions on immunity from suit and legal process (section 7 (b)) are limited to acts performed by them in their official capacity.

Noting that the defendant's claim to immunity rested upon article III, sections 8 and 9 of the Headquarters Agreement, the Court addressed itself to the

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1/ 224 N.Y.S. 2d 507. See also Gen. Sess., 224 N.Y.S. 2d 504.

2/ United Nations Legislative Series, Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations, vol. 1 (ST/LEG/SER.B/10), p. 128.

question whether it had jurisdiction over the acts as committed within the premises of the United Nations. It summarized the relevant provisions of articles III and VI of that Agreement and concluded:

> "Accordingly, it would appear from this agreement that the local law shall have jurisdiction over any acts done or transactions taking place within the Headquarters District which are in violation of such laws and the courts of the appropriate American authorities shall have jurisdiction to try and determine issues between the parties. However, such Federal, State or local laws shall, of course, not be inconsistent with any regulation that has been authorized by the United Nations. ...
>
> "For the Court to recognize the existence of a general and unrestricted immunity over suits or transactions, as proposed by defendant, would be to establish a large preferred class of people within our borders who would be immune to punishment inasmuch as the United Nations has no tribunal for the control and punishment of defendants among its personnel. It can at best expel or eject them from the Headquarters District and such persons would escape trial and punishment completely. Such a blanket immunity is contrary to our sense of justice and cannot be supported by any reference to the United Nations Charter, Acts of Congress or executive orders of the President."

The defendant also argued, on the basis of article III, section 9 (a) of the Headquarters Agreement, that even if he was not immune from legal process, the United Nations had to give its consent prior to the indictment and, since its consent was obtained after the indictment, such consent had no effect. The Court held that that section of the Headquarters Agreement was not applicable in the case since the defendant had been arrested outside the United Nations Headquarters.

PART FOUR

LEGAL DOCUMENTS INDEX AND BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

CHAPTER IX

LEGAL DOCUMENTS INDEX OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

A. LEGAL DOCUMENTS INDEX OF THE UNITED NATIONS[1/2/]

MAIN HEADINGS

I. GENERAL ASSEMBLY AND SUBSIDIARY ORGANS

1. Plenary General Assembly and Main Committees
2. Committee established under General Assembly resolution 1181 (XII) (Question of Defining Aggression)
3. Executive Committee of the Programme of the United Nations High Commissioner for Refugees
4. Committee on the Peaceful Uses of Outer Space
5. Special Committee on Territories under Portuguese Administration
6. International Law Commission
7. United Nations Administrative Tribunal

II. SECURITY COUNCIL AND SUBSIDIARY ORGANS

Security Council

III. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY ORGANS

1. Economic and Social Council and sessional Committees
2. Commission on Human Rights
3. Commission on the Status of Women
4. Commission on Narcotics Drugs
5. Economic Commission for Europe
6. Economic Commission for Asia and the Far East
7. Economic Commission for Africa
8. United Nations Wheat Conference (Geneva, 1962)
9. United Nations Technical Conference on the International Map of the World on the Millionth Scale (Bonn, 1962)
10. United Nations Coffee Conference (New York, 1962)
11. United Nations Special Fund

1/ The documentary material relating to each United Nations organ is divided, where appropriate, into two sections: "a. Documents relating to agenda items of legal interest", and "b. Other documents of legal interest". Section a contains references to the summary and verbatim records where the item was discussed, as well as to all the documents related to the agenda item. Section b lists the remaining documents of legal interest. A document relating to a given United Nations organ is not listed in the section b relating to that organ if it already appears in the section a of any other organ.

2/ The following abbreviations have been used in the document references: a.i.: agenda item; E.S.C.: Economic and Social Couccil; G.A.: General Assembly; mtg.: meeting; Plen.: Plenary meeting; T.C.: Trusteeship Council.

IV. TRUSTEESHIP COUNCIL AND SUBSIDIARY ORGANS

Trusteeship Council

V. SECRETARIAT

VI. INTERNATIONAL COURT OF JUSTICE

I. GENERAL ASSEMBLY AND SUBSIDIARY ORGANS

1. Plenary General Assembly and Main Committees

a. Documents relating to agenda items of legal interest (seventeenth session)

1. Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (agenda item 21)

   (1) Basic document: Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter (A/5193): see G.A. (XVII), Annexes, a.i. 21.

   (2) Consideration in plenary:

   (a) debate: G.A. (XVII), Plen., 1157th mtg.

   (b) resolution adopted: General Assembly resolution 1756 (XVII) of 23 October 1962.

2. The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples: report of the Special Committee established under General Assembly resolution 1654 (XVI) (agenda item 25)

   (1) Basic document: Report of the Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples (A/5238): see G.A. (XVII), Annexes, a.i. 25, Add.

   (2) Consideration in plenary:

   (a) letter from the representative of the United Kingdom (A/5315) and draft resolutions (A/L.410 and Add.1 [on the item as a whole], L.413 [on the questions of Zanzibar and Kenya], L. 416 [on the question of Basutoland, Bechuanaland and Swaziland], L.417 [on the question of Nyasaland] and L.418 [on the question of Northern Rhodesia]): see G.A. (XVII), Annexes, a.i. 25.

   (b) debates: G.A. (XVII), Plen., 1167th to 1178th, 1180th, 1181st, 1192nd, 1194th to 1196th and 1198th mtgs.

(c) resolutions adopted: General Assembly resolutions 1810 (XVII)[1/] (on the item as a whole), 1811 (XVII) (on the question of Zanzibar) and 1812 (XVII) (on the question of Kenya), of 17 December 1962, and 1817 (XVII) (on the question of Basutoland, Bechuanaland and Swaziland) and 1818 (XVII) (on the question of Nyasaland), of 18 December 1962.

3. Question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons: report of the Secretary-General (agenda item 26)

(1) Basic document: Report of the Secretary-General (A/5174 and Add. 1-2): see G.A. (XVII), Annexes, a.i. 26.

(2) Consideration by the First Committee:

(a) draft resolution (A/C.1/L.319 and Add.1) and report of the First Committee (A/5323): see G.A. (XVII), Annexes, a.i. 26.

(b) debates: G.A. (XVII), 1st Committee, 1285th to 1288th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1192nd mtg.

(b) resolution adopted: General Assembly resolution 1801 (XVII) of 14 December 1962.

4. International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space, the World Meteorological Organization and the International Telecommunication Union (agenda item 27)

(1) Basic document: Report of the Committee on the Peaceful Uses of Outer Space (A/5181): see G.A. (XVII), Annexes, a.i. 27,

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1/ Text reproduced in part in this Yearbook, p.110.

(2) Consideration by the First Committee:

(a) draft resolutions (A/C.1/L.320 and Add.1 and L.320/Rev.1 and Rev.1/Add.1-2), letter from the Permanent Representative of the United Kingdom (A/C.1/879) (transmits draft declaration of basic principles governing the activities of States pertaining to the exploration and use of outer space), letter from the Permanent Representatives of the USSR and the United States of America (A/C.1/880) (transmits documents relating to an agreement on co-operation in the peaceful uses of outer space), letter from the representative of the United States of America (A/C.1/881) (transmits draft declaration of principles relating to the exploration and use of outer space) and report of the First Committee (A/5341): see G.A. (XVII), Annexes, a.i. 27.

(b) debates: G.A. (XVII), 1st Committee, 1289th to 1298th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1192nd mtg.

(b) resolution adopted: General Assembly resolution 1802 (XVII) of 14 December 1962.

5. Permanent sovereignty over natural resources (agenda item 39)

(1) Basic documents: Report of the Commission on Permanent Sovereignty over Natural Resources (E/3511): see E.S.C. (XXXII), Annexes, a.i. 9, or United Nations publication, Sales No.: 62.V.6. - Revised study by the Secretariat on the status of permanent sovereignty over natural resources (A/AC.97/5/Rev.2 and Corr.2): see United Nations publication, Sales No.: 62.V.6. - Note by the Secretary-General (A/5225): see G.A. (XVII), Annexes, a.i. 39.

(2) Consideration by the Second Committee:

(a) draft resolutions (A/C.2/L.654 and Corr.1, L.655, L.668, L.669, L.670, L.686, L.686/Rev.1 and Add.1, L.686/Rev.2 and 3, L.690, L.691, L.694, L.696, L.697, L.698, L.699 and L.700) and report of the Second Committee (A/5344 and Add.1): see G.A. (XVII), Annexes, a.i. 39.

(b) debates: G.A. (XVII), 2nd Committee, 798th to 821st, 834th, 835th, 841st, 842nd, 845th, 846th, 848th, 850th to 861st, 864th, 876th and 877th mtgs.

(3) Consideration in plenary:

(a) draft resolutions (A/L.412 and Rev.1 and 2, and L.414): see G.A. (XVII), Annexes, a.i. 39.

(b) debates: G.A. (XVII), Plen., 1193rd and 1194th mtgs.

(c) resolution adopted: General Assembly resolution 1803 (XVII)[1/] of 14 December 1962.

6. Draft International Covenants on Human Rights (agenda item 43)

(1) Basic document: Note by the Secretary-General (A/5144): see G.A. (XVII), Annexes, a.i. 43.

(2) Consideration by the Third Committee:

(a) draft resolutions (A/C.3/L.1013, L.1014 and Rev.1, L.1019, L.1020, L.1021, L.1022, L.1023, L.1024 and Rev.1-4, L.1025, L.1026 and Rev.1-2, L.1027 and Rev.1-4, L.1028 and Rev.1-2, L.1030, L.1032, L.1046 and Rev.1-2, L.1052, L.1053, L.1054 and Add.1, L.1057 and L.1058), note by the Secretary-General (A/C.3/L.1015) and report of the Third Committee (A/5365) (annex contains text of articles 2 to 5 of draft Covenant on Economic, Social and Cultural Rights, and of articles 3 and 5 of draft Covenant on Civil and Political Rights, as adopted by Third Committee): see G.A. (XVII), Annexes, a.i. 43.

(b) debates: G.A. (XVII), 3rd Committee, 1172nd, 1174th, 1175th, 1177th to 1185th, 1202nd to 1207th and 1209th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1198th mtg.

(b) resolutions adopted: General Assembly resolutions 1843 A, B and C (XVII) of 19 December 1962.

1/ Text reproduced in this Yearbook, pp. 111 et seq.

7. Draft Convention and draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (agenda item 44)

(1) Basic document: Note by the Secretary-General (A/5128): see G.A. (XVII), Annexes, a.i. 44. - Report of the Third Committee (A/5035) and Memorandum by the Secretary-General (A/4844): see G.A. (XVI), Annexes, a.i. 85.

(2) Consideration by the Third Committee:

(a) draft resolutions (A/C.3/L.982 and Add.1, L.983 and Rev.1, L.984, L.986, L.987, L.988 and L.989 /on the draft Convention/ and L.990 /on the draft Recommendation/), statement by the Legal Counsel (A/C.3/L.985)[1/] (on the draft Convention) and report of the Third Committee (A/5273): see G.A. (XVII), Annexes, a.i. 44.

(b) debates: G.A. (XVII), 3rd Committee, 1140th to 1148th mtgs.

(3) Consideration in plenary:

(a) draft resolutions (A/L.398 and Add.1 and L.399): see G.A. (XVII), Annexes, a.i. 44.

(b) debates: G.A. (XVII), Plen., 1128th, 1166th and 1167th mtgs.

(c) resolutions adopted: General Assembly resolutions 1763 A (XVII) (on the draft Convention) (annex contains text of Convention[2/]) and 1763 B (XVII) (on the draft Recommendation), of 7 November 1962.

8. Draft Convention and Draft Declaration on Freedom of Information (agenda items 45 and 47)

(1) Basic documents: Notes by the Secretary-General (A/5143 and A/5146): see G.A. (XVII), Annexes, a.i. 45 and 47.

(2) Consideration by the Third Committee:

(a) draft resolutions (A/C.3/L.1048/Rev.1 and Rev.1/Add.1, and L.1060) and report of the Third Committee (A/5363): see G.A. (XVII), Annexes, a.i. 45 and 47.

(b) debate: G.A. (XVII), 3rd Committee, 1210th mtg.

1/ Text reproduced in this Yearbook, pp. 261 et. seq.

2/ Reproduced in this Yearbook, pp. 184 et. seq.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1198th mtg.

(b) resolution adopted: General Assembly resolution 1840 (XVII) of 17 December 1962.

9. Draft Declaration on the Right of Asylum (agenda item 46)

(1) Basic documents: Notes by the Secretary-General (A/5145 and A/4792): see G.A. (XVII), Annexes, a.i. 46, and G.A. (XVI), Annexes, a.i. 38. - Comments of Governments (E/3403 and Add.1-5, A/4452 and Add.1 and Add.1/Corr.1, and A/4793).

(2) Consideration by the Third Committee:

(a) draft resolutions (A/C.3/L.1035 and Add.1, L.1036, L.1037, L.1038, L.1039 and Rev.1-3, L.1040 and Rev.1, L.1041 and Rev.1, L.1042 and Rev.1 and Rev.1/Corr.1, L.1043 and Rev.1, L.1044 and Add.1, L.1044/Rev.1, L.1045, L.1047, L.1049 and L.1050) and report of the Third Committee (A/5359) (annex contains text of preamble and article 1 of draft Declaration as adopted by Third Committee): see G.A. (XVII), Annexes, a.i. 46.

(b) debates: G.A. (XVII), 3rd Committee, 1192nd to 1202nd and 1209th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1198th mtg.

(b) resolution adopted: General Assembly resolution 1839 (XVII) of 19 December 1962.

10. Manifestations of racial prejudice and national and religious intolerance (agenda item 48)

(1) Basic document: Note by the Secretary-General (A/5129): see G.A. (XVII), Annexes, a.i. 48.

(2) Consideration by the Third Committee:

(a) draft resolutions (A/C.3/L.1008 and Rev.1, L.1009 and Rev.1-2 /on the item as a whole/ , L.1006 and Rev.1-6, L.1006/Rev.6/Add.1, L.1011, L.1012 and Rev.1, and L.1016 /on the preparation of draft declarations and draft conventions on the elimination of all forms of racial

discrimination and religious intolerance/), working paper (A/C.3/L.1010) (on the preparation of draft declarations and draft conventions) and report of the Third Committee (A/5305): see G.A. (XVII), Annexes, a.i. 48.

(b) debates: G.A. (XVII), 3rd Committee, 1165th to 1173rd mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1187th mtg.

(b) resolutions adopted: General Assembly resolutions 1779 (XVII) (on the item as a whole), 1780 (XVII) (on the preparation of a draft declaration and a draft convention on the elimination of all forms of racial discrimination) and 1781 (XVII) (on the preparation of a draft declaration and a draft convention on the elimination of all forms of religious intolerance), of 7 December 1962.

11. Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force and the Organization's operations in the Congo: advisory opinion of the International Court of Justice (agenda item 64)

(1) Basic document: Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter). Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151, transmitted by a Note of the Secretary-General (A/5161 and Corr.1).

(2) Consideration by the Fifth Committee:

(a) draft resolutions (A/C.5/L.760 and Add.1-4, L.761 and Add.1-2 and Add.2/Corr.1, L.763 and Corr.1, L.766 and Add.1, and L.767 and Add.1), statement by the Secretary-General (A/C.5/952), memorandum of the USSR (A/C.5/957) and report of the Fifth Committee (A/5380): see G.A. (XVII), Annexes, a.i. 64.

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(b) debates: G.A. (XVII), 5th Committee, 961st to 969th, 971st to 973rd and 980th mtgs.

(3) Consideration in plenary:

(a) debates: G.A. (XVII), Plen., 1199th and 1202nd mtgs.

(b) resolutions adopted: General Assembly resolutions 1854 A and B (XVII) of 19 December 1962.

12. Question of the publication of a United Nations juridical yearbook (agenda item 73)

(1) Basic documents: Comments by Governments on the form and contents of the proposed yearbook (A/5169 and Add.1) and Note by the Secretary-General (A/5190): see G.A. (XVII), Annexes, a.i. 73.

(2) Consideration by the Sixth Committee:

(a) draft resolution (A/C.6/L.523 and Corr.1), Secretariat working paper (A/C.6/L.499), report of the Working Group (A/C.6/L.521) and report of the Sixth Committee (A/5342): see G.A. (XVII), Annexes, a.i. 73.

(b) debates: G.A. (XVII), 6th Committee, 749th, 752nd and 776th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1196th mtg.

(b) resolution adopted: General Assembly resolution 1814 (XVII) of 18 December 1962.

13. Consular relations (agenda item 74)

(1) Basic documents: Report of the International Law Commission covering the work of its thirteenth session: G.A. (XVI), Suppl. No. 9 (A/4843) (contains draft articles on consular relations adopted by the International Law Commission) - Comments by Governments on the draft articles (A/5171 and Add.1-2) and Note by the Secretary-General (A/5191): see G.A. (XVII), Annexes, a.i. 74.

(2) Consideration by the Sixth Committee:

(a) draft resolution (A/C.6/L.515) and report of the Sixth Committee (A/5343):[1] see G.A. (XVII), Annexes, a.i. 74.

(b) debates: G.A. (XVII), 6th Committee, 771st to 775th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1196th mtg.

(b) resolution adopted: General Assembly resolution 1813 (XVII)[2] of 18 December 1962.

14. Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (agenda item 75)

(1) Basic document: Note by the Secretary-General (A/5192): see G.A. (XVII), Annexes, a.i. 75.

(2) Consideration by the Sixth Committee of the agenda item proper:

(a) draft resolutions (A/C.6/L.505, L.507 and Add.1-4, L.507/Rev.1 and Rev.1/Add.1, L.509 and Add.1-2, L.509/Rev.1, L.511, L.512, and L.524 and Corr.1 and Add.1) and report of the Sixth Committee (A/5356):[3] see G.A. (XVII), Annexes, a.i. 75.

(b) debates: G.A. (XVII), 6th Committee, 753rd to 770th and 777th mtgs.

(3) Consideration by the Sixth Committee of the question of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law:

(a) draft resolutions (A/C.6/L.510, L.514 and Rev.1, L.516, L.517, L.518, L.519 and L.520) and report of the Sixth Committee (A/5356):[3] see G.A. (XVII), Annexes, a.i. 75.

1/ Text reproduced in this Yearbook, pp. 115 et seq.

2/ Id., pp. 125-126.

3/ Id., pp. 127 et seq.

(b) debates: G.A. (XVII), 6th Committee, 769th to 774th mtgs.

(4) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1196th mtg.

(b) resolutions adopted: General Assembly resolutions 1815 (XVII)[1] (on the principles of international law concerning friendly relations and co-operation among States) and 1816 (XVII)[2] (on the question of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law), of 18 December 1962.

15. Report of the International Law Commission on the work of its fourteenth session (agenda item 76)

(1) Basic document: Report of the International Law Commission on the work of its fourteenth session: G.A. (XVII), Suppl. No. 9 (A/5209 and Corr.1 /English only/).

(2) Consideration by the Sixth Committee of the report as a whole:

(a) draft resolutions (A/C.6/L.500, L.501 and L.503) and report of the Sixth Committee (A/5287):[3] see G.A. (XVII), Annexes, a.i. 76.

(b) debates: G.A. (XVII), 6th Committee, 734th to 747th mtgs.

(3) Consideration by the Sixth Committee of the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations:

(a) draft resolutions (A/C.6/L.504/Rev.1 and 2, and L.508 and Rev.1), Secretariat working paper (A/C.6/L.498), Secretariat note (A/C.6/L.506)[4], and report of the Sixth Committee (A/5287)[3] see G.A. (XVII), Annexes, a.i. 76.

(b) debates: G.A. (XVII), 6th Committee, 748th to 752nd mtgs.

1/ Id., pp. 148 et seq.

2/ Id., pp. 151-152.

3/ Text reproduced in this Yearbook, pp. 153 et seq.

4/ See pp. 264-265 of this Yearbook.

(4) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1171st mtg.

(b) resolutions adopted: General Assembly resolutions 1765 (XVII)[1/] (on the report of the International Law Commission) and 1766 (XVII)[2/] (on the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations), of 20 November 1962.

16. The urgent need for suspension of nuclear and thermonuclear tests (agenda item 77)

(1) Basic documents: Letters from the Permanent Representative of India to the United Nations addressed to the Secretary-General (A/5141 and Add.1) (request the inclusion of the item in the agenda of the 17th session of the General Assembly and submit explanatory memorandum): see G.A. (XVII), Annexes, a.i. 77.

(2) Consideration by the First Committee:

(a) letter from the Permanent Representative of the United States of America (A/C.1/873) (transmit two memoranda: (1) The "detection" and "identification" of underground nuclear explosions; (2) Technical considerations relevant to a nuclear text ban), letter from the Permanent Representative of the United States of America (A/C.1/874) (transmits the texts of two draft treaties submitted by the United States and the United Kingdom to the Conference of the Eighteen-Nation Committee on Disarmament), draft resolutions (A/C.1/L.310 and Add.1-4, L.311, L.313 and Rev.1 and 2, L.314, L.315 and L.316 and Rev.1) and report of the First Committee (A/5279): see G.A. (XVII), Annexes, a.i. 77.

(b) debates: G.A. (XVII), 1st Committee, 1246th to 1266th mtgs.

1/ Text reproduced in this Yearbook, pp. 172-173.

2/ Id., p. 173.

(3) Consideration in plenary:

(a) report of the Conference of the Eighteen-Nation Committee on Disarmament to the General Assembly with regard to the cessation of nuclear weapon tests (A/5338 and Add.2): see G.A. (XVII), Annexes, a.i. 77.

(b) debates: G.A. (XVII), Plen., 1165th and 1200th mtgs.

(c) resolutions adopted: General Assembly resolutions 1762 A and B (XVII) of 6 November 1962. See also decision taken by the General Assembly at its 1200th plenary meeting, on 20 December 1962.

17. Implementation of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery (agenda item 81) 1/

(1) Basic document: Note by the Secretary-General (A/5183): see G.A. (XVII), Annexes, a.i. 81.

(2) Consideration by the Third Committee:

(a) draft resolution (A/C.3/L.1055 and Add.1-2) and report of the Third Committee (A/5346): see G.A. (XVII), Annexes, a.i., 81.

(b) debates: G.A. (XVII), 3rd Committee, 1208th and 1209th mtgs.

(3) Consideration in plenary:

(a) debate: G.A. (XVII), Plen., 1198th mtg.

(b) resolution adopted: General Assembly resolution 1841 (XVII) of 19 December 1962.

18. Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament (agenda item 90)

(1) Basic document: Note by the Secretary-General (A/5197) (requests the inclusion of the item in the agenda of the 17th session of the General Assembly): see G.A. (XVII), Annexes, a.i. 90. - First interim progress report of the Conference of the Eighteen-Nation Committee on Disarmament (DC/203) and Second interim progress report (DC/205 or A/5200): see Disarmament Commission, Suppl. for Jan. 1961 to Dec. 1962.

1/ See also section III, 1.a. below.

(2) Consideration by the First Committee:

(a) letter from the Minister for Foreign Affairs of the USSR (A/C.1/867) (transmits a draft "Treaty on general and complete disarmament under strict international control"), letter from the Permanent Representative of the United States of America (A/C.1/875) (transmits the text of an "Outline of basic provisions of a draft treaty on general and complete disarmament"), draft resolutions (A/C.1/L.312 and Add.1, L.312/Rev.1 and Rev.1/Add.1, L.312/Rev. 2 and L.317/Rev.1 and Rev.1/Add.1-2) and report of the First Committee (A/5303 and Add.1): see G.A. (XVII), Annexes, a.i. 90.

(b) debates: G.A. (XVII), 1st Committee, 1266th to 1281st and 1306th mtgs.

(3) Consideration in plenary:

(a) debates: G.A. (XVII), Plen., 1173rd and 1199th mtgs.

(b) resolution adopted: General Assembly resolution 1767 (XVII) of 21 November 1962.

19. Condemnation of propaganda favouring preventive nuclear war (agenda item 93)

(1) Basic document: Letter from the Minister for Foreign Affairs of the USSR (A/5232) (requests the inclusion of the item in the agenda of the 17th session of the General Assembly): see G.A. (XVII), Annexes, a.i. 93.

(2) Consideration by the First Committee and in plenary: At its 1177th plenary meeting, the General Assembly approved a decision taken by the First Committee at its 1284th meeting (A/5311) to refer the item to the Conference of the Eighteen-Nation Committee on Disarmament for consideration: see G.A. (XVII), Annexes, a.i. 93.

b. Other documents of legal interest

1. Agreement between Indonesia and the Netherlands concerning West New Guinea (West Irian)

Secretary-General: request for the inclusion of a supplementary item in the agenda of the seventeenth session (A/5170 and Add.1) (contains text of Agreement): see G.A. (XVII), Annexes, a.i. 89.

See also General Assembly resolution 1752 (XVII) of 21 September 1962.

2. Investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of members of the party accompanying him

Report of the Commission of investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of members of the party accompanying him (A/5069 and Add.1): see G.A. (XVII), Annexes, a.i. 22.

See also General Assembly resolution 1759 (XVII) of 26 October 1962.

3. The policies of apartheid of the Government of the Republic of South Africa

Report of the Special Political Committee (A/5276): see G.A. (XVII), Annexes, a.i. 87.

See also General Assembly resolution 1761 (XVII) of 6 November 1962.

4. Boundaries between Venezuela and British Guiana

Report of the Special Political Committee (A/5313): see G.A. (XVII), Annexes, a.i. 88.

See also decision taken by General Assembly at its 1191st plenary meeting on 11 December 1962.

5. Refugees

Report of the United Nations High Commissioner for Refugees: G.A. (XVII), Suppl. No. 11 (A/5211/Rev.1) (Chapter I and Annex II: International protection).

6. Status of women

Constitutions, electoral laws and other legal instruments relating to the political rights of women. Memorandum by the Secretary-General (A/5153).

7. Administrative Tribunal

Note by the Secretary-General (A/INF/98) (transmits annual note by the Administrative Tribunal to the President of the General Assembly as to the functioning of the Tribunal and includes text of amended rules of the Tribunal /AT/137).

Appointments to fill vacancies in the membership of the Administrative Tribunal. Note by the Secretary-General (A/5159): see G.A. (XVII), Annexes, a.i. 66.

_____. Report of the Fifth Committee (A/5295): ibid.

See also General Assembly resolution 1795 (XVII) of 11 December 1962.

8. Budgetary questions

United Nations bond issue. Note by the Secretary-General (A/C.5/963): see G.A. (XVII), Annexes, a.i. 62.

_____. Report of the Advisory Committee on Administrative and Budgetary Questions (A/5358): ibid.

9. Pension Fund

Annual Report of the United Nations Joint Staff Pension Fund: G.A. (XVII), Suppl. No. 8 (A/5208 and Corr.1 /French only/ and 2 /Spanish only/).

Annex V. Recommendations to the General Assembly for the amendment of the Regulations of the Joint Staff Pension Fund.

Annex VI. Administrative Rules of the Joint Staff Pension Fund as amended by the Joint Staff Pension Board.

_____. Report of the Advisory Committee on Administrative and Budgetary Questions (A/5252): see G.A. (XVII), Annexes, a.i. 71.

_____. Report of the Fifth Committee (A/5329): ibid.

See also General Assembly resolution 1799 (XVII) of 11 December 1962 (Annex contains text of amendments to the Regulations of the Joint Staff Pension Fund).

10. Personnel questions

Geographical distribution of the staff of the Secretariat. Report of the Secretary-General (A/5270): see G.A. (XVII), Annexes, a.i. 70.

Geographical distribution of the staff of the Secretariat, 1961-1962. Report of the Secretary-General (A/C.5/933): ibid.

Other personnel questions. Report of the Secretary-General (A/C.5/932): ibid.

I. Proposed amendments to staff regulations.

II. Amendments to the staff rules.

Annex II. Proposed amendment of Annex IV, paragraph 2 of the staff regulations.

Annex III. Appendix D to staff rules [revised].

Geographical distribution of the staff of the Secretariat. Proportion of fixed-term staff. Other personnel questions. Report of the Fifth Committee (A/5377): ibid.

See also General Assembly resolution 1852 (XVII) of 19 December 1962 and decision taken by General Assembly at its 1199th plenary meeting, on 19 December 1962.

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11. Rules of procedure

Rules of procedure of the General Assembly. Amendments approved by the General Assembly during its 16th session (A/4700/Corr.1 - Sales No.: 61.I.4, Corr.).

Implementation of rule 154 of the rules of procedure of the General Assembly. Letter dated 9 October 1962 from the Chairman of the 5th Committee to the President of the General Assembly (A/C.5/927): see G.A. (XVII), Annexes, a.i. 61.

2. Committee established under General Assembly resolution 1181 (XII) (Question of Defining Aggression)

Documents relating to an agenda item of legal interest (second session)

Further consideration of the question of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression

(1) Basic document: Note by the Secretary-General (A/AC.91/L.6).

(2) Consideration by the Committee:

(a) draft resolution (A/AC.91/L.7 and Rev.1) and report of the Committee (A/AC.91/3).

(b) debates: A/AC.91/SR.8 to 12.

3. Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Documents of legal interest[1/]

Report on international protection, submitted by the High Commissioner (A/AC.96/152 and Corr.1 /English only/).

Report on legal assistance, submitted by the High Commissioner (A/AC.96/157 and Corr.1 /English only/ and 2).

Note on the implementation of the indemnification agreement concluded between the High Commissioner and the Federal Republic of Germany. Submitted by the High Commissioner (A/AC.96/INF.7).

1/ See also section I. 1. b. 5. above.

Amendment to rule 41 of the rules of procedure, submitted by the High Commissioner (A/AC.96/174).

Rules of procedure as amended by the Executive Committee on 23 October 1962 (A/AC.96/187)

Financial rules for voluntary funds administered by the High Commissioner. Promulgated by the High Commissioner (A/AC.96/148).

4. Committee on the Peaceful Uses of Outer Space

Documents relating to agenda items of legal interest (second session)

General debate (agenda item 2) and consideration of the report of the Legal Sub-Committee on the work of its first session (agenda item 4)

(1) Basic document: Report of the Legal Sub-Committee on the work of its first session (A/AC.105/6).

(2) Consideration by the Legal Sub-Committee of legal problems arising from the exploration and use of outer space (item 3 of the Sub-Committee's agenda, first session):

(a) proposals by the USSR (A/AC.105/C.2/L.1) (Declaration of the basic principles governing the activities of States pertaining to the exploration and use of outer space), the USSR (A/AC.105/C.2/L.2) (International agreement on the rescue of astronauts and spaceships making emergency landings), the United States of America (A/AC.105/C.2/L.3) (Assistance to and return of space vehicles and personnel), the United States of America (A/AC.105/C.2/L.4) (Liability for space vehicle accidents) and India (A/AC.105/C.2/L.5 and Corr.1) (Draft conclusions), Secretariat memorandum (A/AC.105/C.2/2) (Conventions and international agreements on rescue of and assistance to aircraft and vessels in distress and their personnel) and report of the Legal Sub-Committee (A/AC.105/6).

(b) debates: A/AC.105/C.2/SR.1 to 15.

(3) General debate in the Committee and consideration by the Committee of the Legal Sub-Committee's report:

(a) proposals by the USSR and the United States of America (A/AC.105/L.2 to 5, similar to A/AC.105/C.2/L.1 to 4 mentioned in section (2) (a) above) and the United Arab Republic (A/AC.105/L.6) (Draft code for international co-operation in the peaceful uses of outer space) and report of the Committee (A/5181): see G.A. (XVII), Annexes, a.i. 27.

(b) debates: A/AC.105/PV.10 to 13, 15 and 16.

5. Special Committee on Territories under Portuguese Administration
Document of legal interest

Some measures relating to the Territories under Portuguese administration promulgated since January 1961. Prepared by the Secretariat (A/AC.108/L.5 and Corr.1 /English only/ and L.5/Add.1).

6. International Law Commission[1/]

a. Documents relating to agenda items of legal interest (Fourteenth session)

1. Law of treaties (agenda item 1)

(1) Basic document: First report on the law of treaties by Sir Humphrey Waldock, Special Rapporteur (A/CN.4/144 and Add.1).

(2) Consideration by the Commission:

(a) report of the Commission: G.A. (XVII), Suppl. No. 9 (A/5209 and Corr.1 /English only/ (contains draft articles on the conclusion, entry into force and registration of treaties).

(b) debates: International Law Commission, 636th to 672nd mtgs.

2. Future work in the field of the codification and progressive development of international law (General Assembly resolution 1686 (XVI)) (agenda item 2)

(1) Basic document: Working paper prepared by the Secretariat (A/CN.4/145 and Corr.1 /French and Spanish only/).

1/ For detailed information, see Yearbook of the International Law Commission, 1962.

(2) Consideration by the Commission:

(a) report of the Commission: see section 1 (2) (a) above.

(b) debates: International Law Commission, 629th to 637th and 668th mtgs.

3. Co-operation with other bodies (agenda item 4)

(1) Basic document: Report on the fifth session of the Asian-African Legal Consultative Committee (Rangoon, January 1962) by Mr. Radhabinod Pal, Observer for the Commission (A/CN.4/146).

(2) Consideration by the Commission:

(a) report of the Commission: see section 1 (2) (a) above.

(b) debate: International Law Commission, 656th mtg.

b. Other documents of legal interest

1. General

Statute of the International Law Commission (A/CN.4/4/Rev.1 - Sales No.: 62.V.2).

Yearbook of the International Law Commission, 1961, vol. I: Summary records of the 13th session (A/CN.4/SER.A/1961 - Sales No.: 61.V.1, vol. I) and vol. II: Documents of the 13th session, including report to General Assembly (A/CN.4/SER.A/1961/Add.1 - Sales No. 61.V.1, vol. II).

2. Historic waters

Juridical regime of historic waters, including historic bays. Study prepared by the Secretariat (A/CN.4/143).

3. Special missions

Resolution 1687 (XVI) of the General Assembly concerning the question of special missions. Working document prepared by the Secretariat (A/CN.4/147).

4. Succession of States

The succession of States in relation to membership in the United Nations. Memorandum prepared by the Secretariat (A/CN.4/149).

Succession of States in relation to general multilateral treaties of which the Secretary-General is the depositary. Memorandum prepared by the Secretariat (A/CN.4/150 and Corr.1).

Digest of the decisions of international tribunals relating to State succession. Study prepared by the Secretariat (A/CN.4/151).

7. United Nations Administrative Tribunal[1]

Documents of legal interest[2]

Statute and rules. Provisions in force with effect from 1 November 1962 (AT/11/Rev.2 - Sales No.: 62.X.3).

Judgements of the United Nations Administrative Tribunal, Nos. 1 to 70, Addendum (AT/DEC/1 to 70/Add. /English only/ - Sales No.: 62.X.2) (contains additional material: Summary notes of Judgements Nos. 1-70, Statute of the Tribunal and Bibliography).

1/ For the judgements given by the Administrative Tribunal in 1962, see Chapter V of this Yearbook.

2/ See also section I.1.b.7 above.

II. SECURITY COUNCIL AND SUBSIDIARY ORGANS

Security Council

Document of legal interest

Preliminary draft federal Constitution of the Republic of the Congo

Report to the Secretary-General from the Officer-in-Charge of the United Nations Operation in the Congo on developments relating to the application of the Security Council resolutions of 21 February and 24 November 1961. Submission and implementation of the Plan of National Reconciliation (S/5053/Add.13 and Corr.1 /English only/).

Annex XI. Preliminary draft federal Constitution of the Republic of the Congo, prepared by the group of experts in constitutional law.

Annex XI - a. Explanatory memorandum prepared by the group of experts in constitutional law.

III. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY ORGANS

1. Economic and Social Council and sessional Committees

a. Documents relating to an agenda item of legal interest (thirty-fourth session)

Implementation of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices resembling Slavery (agenda item 21) 1/

(1) Basic document: Note by the Secretary-General (E/3626 and Add.1 - 3) (contains list of countries ratifying or acceding to the Supplementary Convention of 1956 and information on their implementation of its provisions).

(2) Consideration by the Social Committee:

(a) draft resolution (E/AC.7/L.408) and report of the Social Committee (E/3678): see E.S.C. (XXXIV), Annexes, a.i. 21.

(b) debates: E/AC.7/SR.462 and 463.

(3) Consideration by the Council:

(a) debate: E.S.C. (XXXIV), 1231st mtg.

(b) resolution adopted: Economic and Social Council resolution 890 (XXXIV) of 24 July 1962.

b. Other documents of legal interest

1. Financing of economic development

Report of the Committee on a United Nations Capital Development Fund (E/3654): see E.S.C. (XXXIV), Annexes, a.i. 6.

III. Draft Statute for a United Nations Capital Development Fund.

IV. Decisions and recommendations of the Committee.

Annex. Statute for a United Nations Capital Development Fund: Working paper submitted by the Secretariat.

See also General Assembly resolution 1826 (XVII) of 18 December 1962. The promotion of the international flow of private capital.

Third report by the Secretary-General (E/3665/Rev.1): see E.S.C. (XXXIV), Annexes, a.i. 6.

1/ See also section I.1.a.17 above.

Chapter III. Measures for the protection of foreign investments.

Annex II. Selected list of laws and other official texts concerning foreign private investments in under-developed countries.

Annex III. List of agreements providing for the promotion and protection of private foreign investments.

Annex IV. Table of general agreements for the avoidance of double taxation with respect to taxes on income covering under-developed countries and territories.

2. Narcotic drugs

Appointment of members of the Permanent Central Opium Board. Note by the Secretary-General (E/3583) (concerns various legal questions relating to the appointment of the members of the Board).
Report of the Commission on Narcotic Drugs on its seventeenth session: E.S.C. (XXXIV), Suppl. No. 9 (E/3648).

Chapter II. Implementation of the treaties and international control

Chapter XI. The Single Convention on Narcotic Drugs, 1961.

Chapter XII. Preparations for the coming into force of the 1953 Protocol.

International control of narcotic drugs. Report of the Social Committee (E/3692): see E.S.C. (XXXIV), Annexes, a.i. 22.
See also Economic and Social Council resolution 914 (XXXIV) of 3 August 1962.

3. Revision of the Agreement between the United Nations and UNESCO

Communication received from the Acting Director-General of UNESCO (E/3588): see E.S.C. (XXXIII), Annexes, a.i. 18.
See also Economic and Social Council resolution 865 (XXXIII) of 4 April 1962 and General Assembly resolution 1786 (XVII) of 8 December 1962.

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2. Commission on Human Rights

a. Documents relating to agenda items of legal interest (Eighteenth session)

1. Study of the right of everyone to be free from arbitrary arrest, detention and exile (agenda item 4)

(1) Basic document: Report of the Committee on the right of everyone to be free from arbitrary arrest, detention and exile (E/CN.4/826 and Corr.1 and 2).

(2) Consideration by the Commission:

(a) draft resolution (E/CN.4/L.625) and resolution adopted (2 /XVIII/): see report of the Commission: E.S.C. (XXXIV), Suppl. No. 8 (E/3616/Rev.1).

(b) debate: E/CN.4/SR.735.

2. Prevention of discrimination and protection of minorities:

(i) Draft principles on freedom and non-discrimination in the matter of religious rights and practices;

(ii) Report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

/(iii) Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(iv) Freedom from Prejudice and Discrimination Year and Day./

(agenda item 6)

(i) Draft principles on freedom and non-discrimination in the matter of religious rights and practices

(1) Basic documents: Draft principles on freedom and non-discrimination in the matter of religious rights and practices prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/800, para. 160, resolution 1 /XII/, annex). - Comments of Governments (E/CN.4/809 and Add. 1-10).

(2) Consideration by the Commission:

(a) Working paper by the Secretary-General (E/CN.4/L.602), draft resolutions (E/CN.4/L.607 and Add.1, L.611 and Corr.1, L.612, L.614 and L.615) (see also amendments contained in the comments of Governments /E/CN.4/809 and Add.1-10/), memorandum by the Office of Legal Affairs (E/CN.4/L.610) (on the use of the terms "declaration" and "recommendation") and paragraphs adopted (E/CN.4/L.609): see report of the Commission: E.S.C. (XXXIV), Suppl. No. 8 (E/3616/Rev.1).

(b) debates: E/CN.4/SR.711 to 721.

(ii) Report of the fourteenth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

(1) Basic document: Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (fourteenth session) (E/CN.4/830).

(2) Consideration by the Commission of chapter V of the Sub-Commission's report ("Study of discrimination in the matter of political rights"):

(a) Report of the Special Rapporteur (E/CN.4/Sub.2/213), draft resolutions (E/CN.4/L.613 and L.621) and resolutions adopted (4 and 5 /XVIII/): see report of the Commission: E.S.C. (XXXIV), Suppl. No. 8 (E/3616/Rev.1).

(b) debates: E/CN.4/SR.714, 722 and 723.
See also Economic and Social Council resolution 888 C (XXXIV) of 24 July 1962.

b. Other documents of legal interest[1/]

1. Advisory services in the field of human rights

Report by the Secretary-General (E/CN.4/834).

1/ See also section V.2 (b) below.

2. Freedom of information

Annual report on freedom of information 1961-1962 by the Secretary-General (E/CN.4/838 and Add.1) (contains information supplied by Governments and a section relating to international agreements).

3. International court of human rights

Note by the Secretary-General (E/CN.4/829).

4. Prevention of discrimination and protection of minorities

Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. Report submitted by the Special Rapporteur, Mr. José D. Ingles (E/CN.4/Sub.2/220).

Study of discrimination against persons born out of wedlock. Preliminary report submitted by the Special Rapporteur, Mr. V.V. Saario (E/CN.4/Sub.2/223).

Draft principles on freedom and non-discrimination in the matter of political rights. Note by the Secretary-General (E/CN.4/837 and Add.1-7) (transmits comments by Governments).

Draft declaration and draft convention on the elimination of all forms of religious intolerance. Note by the Secretary-General (E/CN.4/842).

Protection of minorities. Memorandum by the Secretary-General (E/CN.4/Sub.2/221) (lists and classifies special protective measures of an international character for ethnic, religious or linguistic groups).

5. Right of everyone to be free from arbitrary arrest, detention and exile

Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests. Preliminary report of the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (E/CN.4/836).

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3. Commission on the Status of Women

(a) Documents relating to an agenda item of legal interest (sixteenth session)

Status of women in private law:

(i) Report of the 1961 Seminar on the status of women in family law held in Bucharest, Romania, in June and July 1961:

(ii) Report on inheritance laws as they affect the status of women (agenda item 8)

(1) Basic documents: 1961 Seminar on the status of women in family law (ST/TAO/HR/11). -Report by the Secretary-General on inheritance laws as they affect the status of women (E/CN.6/391 and Add.1 and Add.1/Corr.1 [English only]). -Legal status of married women (ST/SOA/35 - Sales No.: 1957.IV.8).

(2) Consideration by the Commission:

(a) draft resolution (E/CN.6/L.352 and Add.1 and Corr.1 [on inheritance laws as they affect the status of women] and L.353 [on the legal status of married women]) and resolutions adopted (9 [XVI] [on inheritance laws as they affect the status of women] and 10 [XVI] [on the legal status of married women]): see report of the Commission: E.S.C. (XXXIV), Suppl. No. 7 (E/3606/Rev.1).

(b) debates: E/CN.6/SR.377 and 378.
See also Economic and Social Council resolutions 884 D I (XXXIV) (on inheritance laws as they affect the status of women) and 884 D II (XXXIV) (on the legal status of married women), of 16 July 1962.

(b) Other documents of legal interest[1]

Nationality of married women[2]

Supplementary report by the Secretary-General (E/CN.6/254/Add.8).

Convention on the Nationality of Married Women. Historical background and commentary (E/CN.6/389 - Sales No.: 62.IV.3).

4. Commission on Narcotic Drugs

Documents of legal interest[3]

1. Status of multilateral narcotics treaties

Report of the Division of Narcotic Drugs (E/CN.7/413/Add.3 and Corr.1 /English and Russian only/).

2. 1953 Protocol

Effect of ratification by Iran of the 1953 Protocol. Note by the Secretary-General (E/CN.7/430).

Preparations for the coming into force of the 1953 Protocol. Note by the Secretary-General (E/CN.7/431 and Corr.1).

3. 1961 Single Convention

Preparations for the coming into force of the Single Convention on Narcotic Drugs, 1961. Note by the Secretary-General (E/CN.7/419 and Corr.1).

___. Status of the Convention. Note by the Secretary-General (E/CN.7/L.245).

___. Control of raw materials of the natural narcotic drugs under the treaties in force, the 1953 Protocol and the Single Convention. Note by the Secretariat (E/CN.7/L.252).

See also Economic and Social Council resolutions 914 C and D (XXXIV) of 3 August 1962 and General Assembly resolution 1774 (XVII) of 7 December 1962.

1/ See also section V.2 (b) below.

2/ See also section I.1.b.6 above.

3/ See also section III.1.b.2 above.

5. Economic Commission for Europe

Documents of legal interest[1]

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, done at Geneva on 15 January 1962 (E/ECE/456).

European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) done at Geneva on 19 January 1962 (E/ECE/457).

6. Economic Commission for Asia and the Far East

Document of legal interest

Terms of reference and rules of procedure of the ECAFE (E/CN.11/539/Rev.1).

7. Economic Commission for Africa

Document of legal interest

Standing Committee on Trade. Procedures for accession to GATT and the advantages for less developed countries. Note by the Executive Secretary to the Contracting Parties (E/CN.14/STC/17).

8. United Nations Wheat Conference (Geneva, 1962)

Documents of legal interest

Rules of procedure (E/CONF.38/2) (provisional rules submitted by the Interim Co-ordinating Committee for International Commodity Arrangements and adopted at the first plenary meeting).

International Wheat Agreement, 1962 (E/CONF.38/4): see Summary of proceedings (E/CONF.38/9 - Sales No.: 62.II.D.2).

Resolution adopted at the final plenary meeting (E/CONF.38/5): ibid.

Criteria for classification of irregular importers-exporters (E/CONF.38/6): ibid.

Economic unions (E/CONF.38/7): ibid.

Classification of transactions involving wheat. Report of the Executive Committee (E/CONF.38/8): ibid.

1/ See also section V.3 below.

9. United Nations Technical Conference on the International Map of the World on the Millionth Scale (Bonn, 1962)

Document of legal interest

Rules of procedure (E/CONF.40/4).

10. United Nations Coffee Conference (New York, 1962)

Documents of legal interest

Rules of procedure (E/CONF.42/2/Rev.1).

Final resolution (E/CONF.42/6).

International Coffee Agreement, 1962 (E/CONF.42/7).

See also General Assembly resolution 1822 (XVII) of 18 December 1962.

11. United Nations Special Fund

Documents of legal interest

Revision of the provisional financial regulations. Note by the Managing Director (SF/L.67).

Provisional financial regulations (SF/2/Amend.1) (contains revised text of article 23).

IV. TRUSTEESHIP COUNCIL AND SUBSIDIARY ORGANS

Trusteeship Council

Documents of legal interest

Methods of work and procedures

Working paper prepared by the Secretariat (T/L.1038): see T.C. (XXIX), Annexes, a.i.7.

See also Trusteeship Council resolution 2134 (XXIX) of 4 June 1962.

Revision of the rules of procedure of the Trusteeship Council. Working Paper prepared by the Secretariat (T/L.1047): ibid.

See also decision taken by the Trusteeship Council at its 1197th meeting, on 12 July 1962.

Rules of procedure of the Trusteeship Council as amended up to and during its twenty-ninth session (T/1/Rev.6 - Sales No.: 62.I.23).

V. SECRETARIAT[1/]

1. Bureau of Social Affairs

Capital Punishment (ST/SOA/SD/9 - Sales No.: 62.IV.2).

2. Bureau of Technical Assistance Operations

(a) Decentralization for development

Decentralization for national and local development (ST/TAO/M/19 - Sales No.: 62.II.H.2).

(b) Human rights seminars

1962 Seminar on freedom of information. New Delhi, 20 February - 5 March 1962. Organized by the United Nations in co-operation with the Government of India (ST/TAO/HR/13).

II. Topics discussed. 2. Press laws.

III. Annex - Abstract of proceedings. 2. Press laws.

1962 Seminar on the status of women in family law. Tokyo, 8-21 May 1962. Organized by the United Nations in collaboration with the Government of Japan (ST/TAO/HR/14).

1962 Seminar on judicial and other remedies against the abuse of administrative authority, with special emphasis on the role of parliamentary institutions. Stockholm, 12-25 June 1962. Organized by the United Nations in co-operation with the Government of Sweden (ST/TAO/HR/15).

3. Economic Commission for Europe

Rights and obligations of electric power production, transmission and supply undertakings vis-à-vis public authorities and private persons for the purpose of the siting of installations (ST/ECE/EP/14).

1/ The recurrent publications of the Office of Legal Affairs are not listed in this section; see the United Nations Documents Index, published by the Dag Hammarskjold Library, United Nations.

Taxation facilities enjoyed by electricity supply undertakings. Note by the Secretariat (ST/ECE/EP/16) (contains information about the laws and regulations in force in various countries relating to taxation facilities enjoyed by electricity undertakings).

VI. INTERNATIONAL COURT OF JUSTICE[1/]

1. General

Reports of judgements, advisory opinions and orders, 1961. [1962]. 75, 75 pp. Printed. Sales No. 240-242, 244-247, 253, 255-257.

Index, p. 67-75.
Collected edition.

Index to the reports of judgements, advisory opinions and orders, 1961. 9 [67-76] pp. Printed. Sales No. 257.

Yearbook, 1960-1961. [n.d.]. 347 pp. Printed. Sales No. 251.
Bibliography pp. 111-188.

2. Right of Passage over Indian Territory (Portugal v. India)

Pleadings, oral arguments, documents. Case concerning right of passage over Indian territory (Portugal v. India). (General List No. 32 - Judgements of 26 November 1957 and 12 April 1960). Vol. III: Rejoinder. [1962]. xvi, 941 pp. Printed. Sales No. 258.

3. Arbitral Award made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)

Pleadings, oral arguments, documents. Case concerning the arbitral award made by the King of Spain on 23 December 1906, (Honduras v. Nicaragua). Vol. I. Application. Pleadings. [n.d.] xx, 930 pp. Printed. Sales No. 249.

_____. Case concerning the arbitral award made by the King of Spain on 23 December 1906. (Honduras v. Nicaragua). Vol. II. Oral arguments. Correspondence. Index. 1960. [1962]. ii, 538 pp., map. Printed. Sales No. 268.

1/ For detailed information, see Yearbook of the International Court of Justice, 1961-1962 and 1962-1963. All the publications listed in this section are bilingual (English and French), with the exception of the Yearbook, which is published in separate English and French editions.

4. Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. Lebanon)

Pleadings, oral arguments, documents. Case concerning the Compagnie du Port, des Quais et des Entrepôts de Beyrouth and the Société Radio-Orient. (France v. Lebanon). [n.d.]. viii, 148 pp. Printed. Sales No. 252.

5. Temple of Preah Vihear (Cambodia v. Thailand)

Reports of judgements, advisory opinions and orders. Case concerning the Temple of Preah Vihear (Cambodia v. Thailand). Merits. Judgement of 15 June 1962. 144, 144 pp. Printed. Sales No. 260.

6. South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)

Reports of judements, advisory opinions and orders. South West Africa cases (Liberia v. Union of South Africa; Ethiopia v. Union of South Africa). Order of 20 May 1961. [13-15], 3, 3 p. Printed. Sales No. 244.

_____. South West Africa cases (Ethiopia v. South Africa; Liberia v. South Africa). Order of 5 December 1961. [61-62], 2, 2 p. Printed. Sales No. 255.

_____. South West Africa cases (Ethiopia v. South Africa; Liberia v. South Africa). Preliminary objections. Judgement of 21 December 1962. [1963]. [318-662], 347, 347 p. Printed. Sales No. 270.

7. Northern Cameroons (Cameroun v. United Kingdom)

Reports of judgements, advisory opinions and orders. Case concerning the Northern Cameroons. (Cameroun v. United Kingdom). Order of 6 July 1961. [1962]. 55-56; 2,2 p. Printed. Sales No. 247.

_____. Case concerning the Northern Cameroons. (Cameroun v. United Kingdom). Order of 2 November 1961. [1961]. 58-59; 2,2 p. Printed. Sales No. 253.

_____. Case concerning the Northern Cameroons (Cameroun v. United Kingdom). Order of 25 April 1962. [1962]. 3-4; 2, 2 p. Printed. Sales No. 259.

_____. Case concerning the Northern Cameroons (Cameroun v. United Kingdom). Order of 3 September 1962. [1962]. 313-314; 2, 2 p. Printed. Sales No. 264.

_____. Case concerning the Northern Camercons (Cameroun v. United Kingdom). Order of 27 November 1962. [1962]. 316-317; 2, 2 p. Printed. Sales No. 269.

8. Financial obligations of Members of the United Nations (Advisory Opinion)

Reports of judgements, advisory opinions and orders. Financial obligations of Members of the United Nations. Request for advisory opinion. Order of 27 December 1961. [1962]. [64-65]; 2, 2 p. Printed. Sales No. 256.

_____. Certain expenses of the United Nations (Art. 17, para. 2, of the Charter). Advisory opinion of 20 July 1962. [1962]. [151-308]; 157, 157 p. Printed. Sales No. 262.

Pleadings, oral arguments, documents. Certain expenses of the United Nations (Art. 17, para. 2, of the Charter). Advisory opinion of 20 July 1962. [1962]. 120, 120 p. plus 321 pp. Printed. Sales No. 265.

9. Barcelona Traction, Light and Power Company, Ltd. (New application: 1962) (Belgium v. Spain)

Application instituting proceedings filed in the Registry of the Court on 19 June 1962. Case concerning the Barcelona Traction, Light and Power Company, Ltd. (New application: 1962) (Belgium v. Spain). 25 July 1962. 46 p.

Reports of judgements, advisory opinions and orders. Case concerning the Barcelona Traction, Light and Power Company, Ltd. (New application: 1962) (Belgium v. Spain). Order of 7 August 1962. 1962. [310-311]. 2, 2 p. Printed. Sales No. 263.

B. LEGAL DOCUMENTS INDEX OF THE INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

I. INTERNATIONAL LABOUR ORGANISATION

A. REPRESENTATIVE ORGANS

1. Amendment to the Constitution of the International Labour Organisation to increase the size of the Governing Body

(1) Proposal for the amendment of Article 7 of the Constitution of the International Labour Organisation relating to the composition of the Governing Body, Minutes of the 148th session of the Governing Body, Geneva, 7-10 March 1961, pp. 34-36, 37-41, 105-108. English, French, Spanish.

(2) Substitution, in the provisions of the Constitution of the International Labour Organisation relating to membership of the Governing Body, of the figures "forty-eight" and "twenty-four" for the figures "forty" and "twenty", and of the figure "twelve" for the figure "ten" except in paragraph 2 of Article 7 which shall provide for ten members of chief industrial importance and fourteen elected members, International Labour Conference, forty-sixth session, 1962, Report VIII, 11 pp. English, French, German, Russian, Spanish.

(3) Substitution, in the provisions of the Constitution of the International Labour Organisation relating to membership of the Governing Body, of the figures "forty-eight" and "twenty-four" for the figures "forty" and "twenty", and of the figure "twelve" for the figure "ten" except in paragraph 2 of Article 7 which shall provide for ten members of chief industrial importance and fourteen elected members, International Labour Conference, forty-sixth session, 1962, Record of Proceedings, pp. 205-216, 800-803. English, French, Spanish.

(4) Instrument for the amendment of the Constitution of the International Labour Organisation, 1962, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement I, pp. 1-3. English, French, Spanish.

2. International Labour Conventions and Recommendations adopted in 1962[1/]

(a) Convention concerning basic aims and standards of social policy

(1) Revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, Minutes of the 149th session of the Governing Body, Geneva, June 1961, pp. 278-84. English, French, Spanish.

1/ For convenience of reference all the preparatory work of such instruments, which normally covers a period of two years, will be given in the year in which the instrument is adopted.

(2) Agenda of the 46th (1962) session of the International Labour Conference, Minutes of the 150th session of the Governing Body, Geneva, November 1961, p. 61. English, French, Spanish.

(3) Revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, by the elimination of the provisions which limit its application to Non-Metropolitan Territories, International Labour Conference, forty-sixth session, 1962, Report X, 19 pp. English, French, German, Russian, Spanish.

(4) Revision of the Social Policy (Non-Metropolitan Territories) Convention, 1947, by the elimination of the provisions which limit its application to Non-Metropolitan Territories, International Labour Conference, forty-sixth session, 1962, Record of Proceedings, pp. 168-9, 813-819. English, French, Spanish.

(5) Convention concerning basic aims and standards of social policy, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement I, pp. 4-11. English, French, Spanish.

(b) Convention concerning equality of treatment of nationals and non-nationals in social security

(1) Equality of treatment of nationals and non-nationals in social security, International Labour Conference, forty-fifth session, 1961, Reports VIII (1) and VIII (2), 103 and 82 pp. English, French, German, Russian, Spanish.

(2) Equality of treatment of nationals and non-nationals in social security. International Labour Conference, forty-fifth session, 1961, Record of Proceedings, pp. 545-8, 849-858. English, French, Spanish.

(3) Equality of treatment of nationals and non-nationals in social security, International Labour Conference, forty-sixth session, 1962, Reports V (1) and V (2), 39 and 101 pp. English, French, German, Russian Spanish.

(4) Equality of treatment of nationals and non-nationals in social security. International Labour Conference, forty-sixth session, 1962, Record of Proceedings, pp. 435-7, 454-475, 753-778. English, French, Spanish.

(5) Convention concerning equality of treatment of nationals and non-nationals in social security, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement I, pp. 36-42. English, French, Spanish.

(c) Recommendation concerning reduction of hours of work

(1) Reduction of hours of work, International Labour Conference, forty-fourth session, 1960, Reports VII (1) and VII (2), 66 and 120 pp. English, French, German, Russian, Spanish.

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(2) Reduction of hours of work, International Labour Conference, forty-fourth session, 1960, Record of Proceedings, p. 489-510, 684-699. English, French, Spanish.

(3) Reduction of hours of work, International Labour Conference, forty-fifth session, 1961, Reports IV (1) and IV (2), 60 and 79 p. English, French, German, Russian, Spanish.

(4) Reduction of hours of work, International Labour Conference, forty-fifth session, 1961, Record of Proceedings, p. 514-533, 584-8, 598-9, 780-802, English, French, Spanish.

(5) Proposal for the placing of the question of hours of work on the agenda of the 46th (1962) session of the conference, Minutes of the 149th session of the Governing Body, June 1961, p. 48-9. English, French, Spanish.

(6) Agenda of the 46th (1962) session of the International Labour Conference, Minutes of the 150th session of the Governing Body, November 1961, p. 61-62. English, French, Spanish.

(7) Hours of work, International Labour Conference, forty-sixth session, 1962, Report IX, 81 p. English, French, German, Russian, Spanish.

(8) Hours of work, International Labour Conference, forty-sixth session, 1962, Record of Proceedings, p. 336-352, 804-812. English, French, Spanish.

(9) Recommendation concerning reduction of hours of work, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement I, p. 12-16. English, French, Spanish.

(d) Recommendation concerning vocational training

(1) Vocational training, International Labour Conference, forty-fifth session, 1961, Reports VII (1) and VII (2), 103 and 69 p. English, French, German, Russian, Spanish.

(2) Vocational training, International Labour Conference, forty-fifth session, 1961, Record of Proceedings, p. 472-481, 835-848. English, French, Spanish.

(3) Vocational training, International Labour Conference, forty-sixth session, 1962, Reports IV (1) and IV (2), 55 and 101 p. English, French, German, Russian, Spanish.

(4) Vocational training, International Labour Conference. Forty-sixth session, 1962, Record of Proceedings, p. 375-384, 738-752. English, French, Spanish.

(5) Recommendation concerning vocational training, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement I, p. 17-35. English, French, Spanish.

3. Standing Orders Questions

(a) Printing in the provisional record of the International Labour Conference of the list of delegates present at each sitting

(1) Document G.B. 152/S.C./D.1/1 (mimeographed), 2 p. 20 March 1962. English, French, Spanish.

(2) Minutes of the 152nd session of the Governing Body, May-June 1962. To be published. English, French, Spanish.

(3) International Labour Conference, forty-sixth session, 1962, Record of Proceedings, p. 108-118, 619-20. English, French, Spanish.

(b) Discussion of the Director-General's report at the International Labour Conference

(1) Document G.B. 152/S.C./D.2/2 (mimeographed), 2 p. 22 March 1962. English, French, Spanish.

(2) Minutes of the 152nd session of the Governing Body, May-June 1962. To be published. English, French, Spanish.

(3) International Labour Conference, forty-sixth session, 1962, Record of Proceedings, p. 108-118, 619-621. English, French, Spanish.

(c) Report of the Committee to consider the improvement of the practical methods of working of the International Labour Conference

(1) Document G.B. 153/6/23 (mimeographed), 13 p. 31 October 1962. English, French, Spanish.

(2) Document G.B. 153/P.V. V, p. 14-15, P.V. VI, p. 1-10. English, French, Spanish.

B. QUASI-JUDICIAL BODIES AND COMMITTEES OF EXPERTS

1. Report of the Commission appointed under Article 26 of the Constitution of the International Labour Organisation to examine the complaint filed by the Government of Ghana concerning the observance by the Government of Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), 21 February 1962, Official Bulletin, vol. XLV, No. 2, April 1962, Supplement II, 253 p. English, French, Spanish.

2. Reports of the Governing Body Committee on Freedom of Association

(1) Sixtieth report, 28 February 1962. Official Bulletin, vol. XLV, No. 2, April 1962, Supplement I, p. 9-64. English, French, Spanish.

(2) Sixty-first report, 28 February 1962, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement II, p. 1-8. English, French, Spanish.

(3) Sixty-second report, 28 May 1962. Official Bulletin, vol. XLV, No. 3, July 1962, Supplement II, p. 9-41. English, French, Spanish.

(4) Sixty-third report, 28 May 1962, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement II. p. 42. English, French, Spanish.

(5) Sixty-fourth report, 28 May 1962, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement II, p. 43-50. English, French, Spanish.

(6) Sixty-fifth report, 28 May 1962, Official Bulletin, vol. XLV, No. 3, July 1962, Supplement II, p. 51-71. English, French, Spanish.

(7) Sixty-sixth report, 1 November 1962. Official Bulletin, vol. XLVI, No. 1, 1 January 1963, Supplement, 98 p. English, French, Spanish.

3. Report of the Committee of experts on the application of conventions and recommendations. International Labour Conference, forty-sixth session, 1962, Report III, Part IV, 289 p. English, French, Spanish.

II. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

A. MATERIAL ON TOPICS CONSIDERED BY THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (CCLM) AT ITS 6TH, 7TH AND 8TH SESSIONS

1. Clarification of Article X-1 of the Constitution of the Organization. Proposed amendment to Article X of the Constitution 1/. Reports of the 6th and 7th session of the CCLM (CL 39/21), p. 6 et seq. Report of the Council of FAO, 39th session, paras. 215-219. English, French, Spanish.

2. Terms of reference, scope of activities of the Regional Fisheries Advisory Commission for the South West Atlantic. Document CL 39/21, p. 2 et seq., 6, 9-12. English, French, Spanish.

3. Amendments to the Agreement for the establishment of the General Fisheries Council for the Mediterranean 2/. Document CL 39/21, p. 1 et seq., 5. English, French, Spanish.

4. Establishment of the Near East Commission on Agricultural Planning. Report of the 8th Session of the CCLM (CL 39/21-Sup. 1), p. 1-3. English, French, Spanish.

1/ Draft amendment circulated to governments for consideration at the 12th session of the Conference (November 1963).

2/ Amendments adopted in May 1963.

5. Joint FAO/WHO/CCTA Regional Food and Nutrition Commission for Africa 1/. Document CL 39/14; Report of the Council of FAO, 39th Session, paras. 233-238. English, French, Spanish.

B. DOCUMENTS CONCERNING FAO BODIES ON MATTERS NOT REFERRED TO THE CCLM

1. Rules of procedure of the Regional Fisheries Advisory Commission for the South West Atlantic. English, Spanish.

2. Draft rules of procedure of the Regional Fisheries Commission for West Africa 2/. English, French.

3. Statutes of the FAO Statistics Advisory Committee. English, French, Spanish.

4. Statutes of the FAO Committee on the Control of Sunn Pest of Cereals. English, French, Spanish.

5. Statutes of the FAO Committee on Pesticides in Agriculture. English, French, Spanish.

6. World Food Programme (WFP)

(1) General regulations on arrangements and procedures for the establishment and operation of the World Food Programme. World Food Programme Inter-governmental Committee - First session. Report to ECOSOC and to the FAO Council (WFP/IGC Report 1/62.) English, French, Spanish.

(2) Financial procedures of WFP. Report of the FAO Finance Committee (IGC/62/2/Rev.1); Report of the second session of the UN/FAO Inter-governmental Committee (IGC/II/62), Annex III. English, French, Spanish.

(3) Rules of procedure of the UN/FAO Inter-governmental Committee. Report of the Working Party on the rules of procedure for the UN/FAO Inter-governmental Committee for the WFP (IGC/62/1); Report of the second session of UN/FAO Inter-governmental Committee (IGC/II/62), Annex II. English, French, Spanish.

C. LEGISLATION AND COMPARATIVE STUDIES

1. Periodicals

(1) Quarterly "Food and Agricultural Legislation". Four issues 1962. English, French, Spanish.

(2) Monthly Legislative Report. January-December 1962. English.

(3) Current Food Additives Legislative Bulletin. Ten issues 1962. English, French, Spanish.

1/ Statutes entered into force in February 1963.

2/ Not yet adopted by the Commission.

2. Other documents and publications

(1) "Principles of Land Consolidation Legislation", by Pedro Moral Lopez with the collaboration of E.H. Jacoby (comparative study). English, French, Spanish.

(2) Lista anotada de leyes y reglamentos relativos a régimen de tierras, reforma agraria y colonización en América Latina". Spanish.

(3) Comparisons and Abstracts of Selected Conventions establishing Fisheries Commissions. December 1962.

III. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

A. CONSTITUTIONAL QUESTIONS

1. "Amendment of Article V of the Constitution and rules 95 and 95A of the rules of procedure of the General Conference (increase in the number of members of the Executive Board." Document 12C/23, 6 July 1962, with Addendum, 4 p. English, French, Russian, Spanish.

2. "First report of the Legal Committee". Document 12C/37, 14 November 1962, 4 p. English, French, Russian, Spanish.
(Increase in the number of members of the Executive Board)

3. "Amendment of Article V of the Constitution and rules 95 and 95A of the rules of procedure of the General Conference (increase in the number of members of the Executive Board)". 12C/Resolution 14, 15 November 1962. English, French, Russian, Spanish.

4. "Ad Hoc Working Party on the constitutional responsibilities of the Organization and the relationship of the General Conference, the Executive Board and the Secretariat - Final report." Document 61EX/2, 13 March 1962, 46 p. English, French, Russian, Spanish.

5. "Constitutional responsibilities of the Organization and the relationship of the General Conference, the Executive Board and the Secretariat - Report of the Ad Hoc Working Party". 61EX/Resolution 5, May 1962. English, French, Russian, Spanish.

6. "Report by the Executive Board on the constitutional responsibilities of the Organization and on the relationship between the General Conference, the Executive Board and the Secretariat". Document 12C/19, 20 August 1962, 11 p. English, French, Russian, Spanish.

7. "Functions and responsibilities of the organs of UNESCO". 12C/Resolution 13, 11 December 1962. English, French, Russian, Spanish.

8. "Interpretation and implementation of Article IV, paragraph 4, of the Constitution (submission of conventions and recommendations to "competent authorities")". Document 12C/12, 5 October 1962, 18 p. English, French, Russian, Spanish.

9. "Fourth report of the Legal Committee. Interpretation of Article IV, paragraph 4, of the Constitution (submission of conventions and recommendations to the competent authorities)". Document 12C/REP/4, 30 November 1962, 4 p. English, French, Russian, Spanish.1/

10. "Report of the Reports Committee to the General Conference". Document 12C/13, 11 December 1962, Annex VII, "General report on the initial reports of Member States on action taken by them upon the conventions and the recommendations adopted by the General Conference at its eleventh session". (Paragraph 19 concerning the interpretation of the terms "competent authorities")

11. "Membership of the Executive Board". 12C/Resolution 12, 11 December 1962. English, French, Russian, Spanish. (Preparation of a report on procedures by which the constitutional requirement of balanced geographical representation in the Executive Board may be effectively observed)

B. AGREEMENT WITH THE UNITED NATIONS

1. "Amendment to the procedure for admission to UNESCO of States not members of the United Nations". Document 61EX/27; 20 April 1962, 2 p. English, French, Russian, Spanish.

2. "Amendment to the procedure for admission to UNESCO of States not members of the United Nations". 61EX/Resolution 14.4, May 1962. English, French, Russian, Spanish.

3. "Report of the Executive Board on the amendment of the procedure for admission of States not members of the United Nations". Document 12C/22, 6 July 1962, 3 p. English, French, Russian, Spanish.

4. "Third report of the Legal Committee". Document 12C/38, 24 November 1962, 3 p. English, French, Russian, Spanish. (Amendment of the procedure for admission to UNESCO of States not members of the United Nations)

5. "Amendment of the procedure for admission to UNESCO of States not members of the United Nations" 12C/Resolution 16, 10 December 1962. English, French Russian, Spanish.

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1. Text reproduced in this Yearbook, pp. 174 et seq.

C. PROCEDURAL QUESTIONS

1. "Amendments to the Financial Regulations". Document 61EX/35, 10 April 1962, 3 p. English, French, Russian, Spanish.

2. "Amendments to the Financial Regulations". 61EX/Resolution 16.3, May 1962. English, French, Russian, Spanish.

3. "Amendments to the Financial Regulations". 12C/Resolution 15, 11 December 1962. English, French, Russian, Spanish.

4. "Second report of the Legal Committee". Document 12C/ADM/25, 21 November 1962, 6 p. English, French, Russian, Spanish. (Amendments to the Financial Regulations concerning the presentation of budget estimates, Trust Funds and Reserve and Special Accounts)

5. "Amendments to the Financial Regulations". 12C/Resolution 15, 11 December 1962, English, French, Russian, Spanish.

6. "General classification of conferences and meetings convened by UNESCO. A draft scheme for the classification of the various categories of meetings convened by UNESCO". Document 61EX/23, 16 April 1962, 22 p. English, French, Russian, Spanish.

7. "General classification of conferences and meetings convened by UNESCO". 61EX/Resolution 13.1, May 1962. English, French, Russian, Spanish.

8. "Study by the Executive Board of a general classification of conferences and meetings convened by UNESCO". Document 12C/20, 27 July 1962, 32 p. with Addendum. English, French, Russian, Spanish.

9. "General classification of conferences and meetings". 12C/Resolution 8.41, 11 December 1962. English, French, Russian, Spanish.

10. "Report by the Acting Director-General on the participation of specialists in meetings of a technical character". 61EX/Resolution 13.2, May 1962. English, French, Russian, Spanish.

11. "Report of the Director-General on the participation of specialists in meetings of a technical character". Document 12C/21, 24 August 1962, 14 p. with Corrigendum. English, French, Russian, Spanish.

12. "Participation of specialists in meetings of a technical character". 12C/Resolution 8.42, 11 December 1962 English, French, Russian, Spanish.

13. "Fifth report of the Legal Committee". Document 12C/41, 4 December 1962, 6 p. English, French, Russian, Spanish. (Certain legal questions concerning the international campaign to save the monuments of Nubia)

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14. "Sixth report of the Legal Committee". Document 12C/42, 4 December 1962, 2 p. English, French, Russian, Spanish. (Majority required for the adoption of a draft resolution concerning the construction of additional premises at the Headquarters of the Organization)

15. "Eighth report of the Legal Committee". Document 12C/46, 10 December 1962, 2 p. English, French, Russian, Spanish. (Study to be undertaken of the majority required for the adoption of certain important decisions by the General Conference)

16. "Study of draft amendments to the rules of procedure and Financial Regulations in order to fix the majority required for the adoption of draft resolutions of a budgetary or financial nature of special importance". 12C/Resolution 17, 10 December 1962. English, French, Russian, Spanish.

17. "Specific questions of methods and of instruments of action of UNESCO". 12C/Resolution 8.3, 11 December 1962. English, French, Russian, Spanish. (Major projects, centres and institutes, publications, conferences and meetings, subventions and contracts)

18. "Inclusion in the agenda of the thirteenth session of the General Conference of an item concerning an increase in the membership of the Legal Committee". 12C/Resolution 45, 10 December 1962. English, French, Russian, Spanish.

D. CONVENTIONS AND RECOMMENDATIONS

1. "Draft Protocol instituting a Conciliation and Good Offices Committee to seek settlement of any dispute which may arise between States parties to the Convention against Discrimination in Education". Document 61EX/14, 28 March 1962, 24 p. English, French, Russian, Spanish. (Report by the Director-General and draft text of the Protocol)

2. "Draft Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education". Document 12C/16, 27 July 1962, 14 p. with Addendum and Corrigendum: English, French, Russian, Spanish. (Revised draft text of the Protocol and report of an inter-governmental committee of experts)

3. "Seventh report of the Legal Committee". Document 12C/45, 10 December 1962, 11 p. English, French, Russian, Spanish. (Draft Protocol instituting a Conciliation and Good Offices Commission in connexion with the Convention against Discrimination in Education)

4. "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, adopted by the General Conference at its 12th session, Paris, 10 December 1962". (No symbol). English, French, Russian, Spanish.
(Final text of the Protocol 1/)

1/ Reproduced in this Yearbook, pp. 187 et seq.

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5. "Equality of educational opportunity and prevention of discrimination". 12C/Resolution 1.13, 12 December 1962. English, French, Russian, Spanish. (Implementation of the 1960 Convention and Recommendation against Discrimination in Education)

6. "Recommendation on technical and vocational education". Document 12C/26, 6 September 1962, 21 p. English, French, Russian, Spanish. (Draft text of the recommendation and report of an Inter-governmental Committee of Experts)

7. "Recommendation concerning technical and vocational education, adopted by the General Conference at its 12th session, Paris, 11 December 1962". (No symbol). English, French, Russian, Spanish. (Final text of the Recommendation)

8. "Draft Recommendation to Member States concerning the safeguarding of the beauty and character of landscapes and sites". Document 12C/17, 9 April 1962, 18 p. English, French, Russian, Spanish. (Final report prepared under article 10.1 of the rules of procedure concerning recommendations to Member States and international conventions)

9. "Recommendation concerning the safeguarding of the beauty and character of landscapes and sites, adopted by the General Conference at its 12th session, Paris, 11 December 1962". (No symbol). English, French, Russian, Spanish. (Final text of the Recommendation)

10. "Possible adoption of international regulations concerning the standardization of statistics relating to book production and periodicals". Document 61EX/11, 30 March 1962, 19 p. English, French, Russian, Spanish. (Preliminary study on the legal and technical aspects of the problem)

11. "Preliminary study concerning the international standardization of statistics relating to literary production". 61EX/Resolution 12.1.7, May 1962. English, French, Russian, Spanish.

12. "International regulations concerning the standardization of statistics relating to book production and periodicals". Document 12C/PRG/8, 6 July 1962, 19 p. English, French, Russian, Spanish.

13. "Draft Recommendation concerning the international standardization of statistics relating to book production and periodicals". 12C/Resolution 3.322, 12 December 1962. English, French, Russian, Spanish.

14. "Report on means of prohibiting the illicit export, import and sale of cultural property". Document 61EX/12, 30 March 1962, 14 p. English, French, Russian, Spanish. (Preliminary study on the legal and technical aspects of the problem)

15. "Report on means of prohibiting the illicit export, import and sale of cultural property". 61EX/Resolution 12.1.8, May 1962. English, French, Russian, Spanish.

16. "Report concerning international regulations designed to prohibit and prevent the illicit export, import and sale of cultural property". Document 12C/PRG/10, 27 July 1962, 20 p. English, French, Russian, Spanish.

17. "Copyright". 12C/Resolution 4.3, 12 December 1962. English, French, Russian, Spanish. (Application of the Universal Copyright Convention (1952) and of the International Convention for the protection of performers, producers of phonograms and broadcasting organizations (1961))

18. "Monuments and Museums". 12C/Resolution 4.4, 12 December 1962. English, French, Russian, Spanish. (Application of the Convention and Protocol for the protection of cultural property in the event of armed conflict (1954) and other recommendations)

E. INSTITUTES, CENTRES AND OTHER BODIES

1. "Proposal for an Institute for training personnel in educational planning in relation to economic development". Document 61EX/8, 10 April 1962, 8 p. English, French, Russian, Spanish.

2. "Institute for training personnel in educational planning in relation to economic development". 61EX/Resolution 12.1.4, May 1962. English, French, Russian, Spanish.

3. "International Institute for educational planning". Document 12C/PRG/19, 20 August 1962, 15 p. English, French, Russian, Spanish. (Annex II, Draft Statutes)

4. "Establishment of an International Institute for educational planning". 12C/Resolution 1.213, 12 December 1962. English, French, Russian, Spanish. 1/

5. "Regional Centre for the training of senior educational personnel in Arab States. Amendment to the Agreement concluded between the Government of the Lebanese Republic and UNESCO". Document 61EX/17, 9 April 1962, 6 p. English, French, Russian, Spanish. (Proposed amendment to an agreement signed on 29 July 1961)

6. "Regional Centre for the training of senior educational personnel in Arab States. Amendment to the Agreement concluded between the Government of the Lebanese Republic and UNESCO". 61EX/Resolution 6, May 1962. English, French, Russian, Spanish. (Approval of amendment)

7. "Meeting of Ministers of Education of African Countries". 61EX/Resolution 12.1.1, section III, "Machinery", May 1962. English, French, Russian, Spanish. (Setting up of a Conference of Ministers of Education, of African Countries)

1/ The final text of the Statutes is reproduced in this Yearbook, pp. 177 et seq.

8. "Draft Statutes of the Regional Co-ordinating Committee for the reading materials project". Document 64EX/4, 13 December 1962, 2 P. English, French, Russian, Spanish.

9. "Statutes for the Regional Co-ordinating Committee for the reading materials project". 64EX/Resolution 10, December 1962. English, French, Russian, Spanish. (Approval of the Statutes)

10. "Proposal for the amendment of the Statutes of the Advisory Committee on mutual appreciation of Eastern and Western cultural values". Document 64EX/5, 11 December 1962, 3 p. English, French, Russian, Spanish.

11. "Modification of the Statutes of the Advisory Committee on mutual appreciation of Eastern and Western cultural values". 64EX/Resolution 11, December 1962. English, French, Russian, Spanish. (Approval of the amendments)

F. PRIVILEGES AND IMMUNITIES

1. "Programme of participation in the activities of Member States". 12C/Resolution 7.21, 12 December 1962. English, French, Russian, Spanish. (Section C, Conditions, paragraph 8, (i), (j), (k), (l))

G. OTHERS

1. "Preliminary report of UNESCO and the Inter-governmental Maritime Consultative Organization on the legal status of unmanned and manned fixed oceanographic stations". Document NS/IOC/INF/34, September 1962, 31 p. English only.

2. "Legal status of fixed oceanographic stations". Resolution 18 of the Inter-governmental Oceanographic Commission, 2nd session, September 1962. English, French, Russian, Spanish.

IV. INTERNATIONAL CIVIL AVIATION ORGANIZATION[1/]

1. Voting and presentation of candidatures for election of a Council of twenty-seven members

In 1961, the Assembly approved an amendment to Article 50 (a) of the Convention on International Civil Aviation increasing the membership of the Council from twenty-one to twenty-seven seats. In accordance with the provisions of Article 94 (a) of the Convention, this amendment came into force on 17 July 1962, for those States which had ratified it. In 1962, the Council and Assembly considered the position of States that had not ratified the amendment and decided that such States could, at the Assembly, stand for election to one of the six additional seats on the Council and would have the right to vote at such an election.

1/ All Council Minutes referred to in this section are published in English only.

Doc. 8247-6, C/939-6, 24/8/62 - Council, Forty-sixth Session, Minutes of the Sixth Meeting, 25 June 1962, p. 65-66, 69 (paras. 1-2, 16-17).

Doc. 8270, A14-EX/31 - Report of the Executive Committee, Fourteenth Session of the Assembly, (Rome) 21 August-15 September 1962. English, French, Spanish, p 3 (para. 8).

A14-WP/146, Min. EX/1 - Assembly, Fourteenth Session, Executive Committee, Minutes of the first meeting, (Rome) 22 August 1962. English, French, Spanish, p. 2 (Para. 6).

A14-Draft Min. P/2 - Assembly, Fourteenth Session, Minutes of the second Plenary Meeting, (Rome) 22 August 1962. English, French, Spanish, p.29 (para.32).

2. Trilingual text of the Convention on International Civil Aviation

The final provisions of the Convention on International Civil Aviation (in English) contemplate the preparation of a "text drawn up in the English, French and Spanish languages, each of which shall be of equal authenticity". Such a text has never been drawn up. At the request of the ICAO Assembly, the Council is studying this matter.

Doc. 8230-1, C/936-1, 21/5/62 - Council, Forty-fifth Session, Minutes of First Meeting, 19 March 1962, p. 9 (para.37).

Doc. 8270, A14-EX/31 - Report of the Executive Committee, Fourteenth Session of the Assembly, (Rome) 21 August-15 September 1962. English, French, Spanish, p. 18-19 (paras. 56-59).

A14-WP/146 Min. EX/1 - Assembly, Fourteenth Session, Executive Committee, Minutes of the First Meeting, (Rome) 22 August 1962. English, French, Spanish, p. 2 (paras. 4-5).

A14-Draft Min. EX/9 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Ninth Meeting, (Rome) 3 September 1962. English, French, Spanish, p. 1-2 (paras. 1-2).

A14-Draft Min. EX/10 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Tenth Meeting, (Rome) 4 September 1962, p. 17 (paras. 69-70).

A14-Draft Min. EX/16 - Assembly, Fourteenth Session, Executive Committee, Minutes of the Sixteenth Meeting, (Rome) 11 September 1962. English, French, Spanish, p. 3-4 (paras. 11-12).

C-WP/3685, 23/11/62, English - Subject No. 27: Subjects relating to Amendments of the Chicago Convention. Trilingual text of the Chicago Convention (17 p.).

Doc. 8294/6 (Open), C/940-6 (Open), 8/2/63 - Council, Forty-seventh Session, Minutes of the Sixth Meeting, 5 December 1962, p. 98, 101-102 (paras. 2, 16-24).

Doc. 8294-8 (Open), C/940-8 (Open), 8/2/63 - Council, Forty-seventh Session, Minutes of the Eighth Meeting, 10 December 1962, p. 143, 150-153 (paras. 6, 31-46).

3. Third trilingual edition of the Convention

Late in 1962, the Council was informed that a third trilingual edition of the Convention on International Civil Aviation (Doc. 7300) was to be published - such publication being distinct from the trilingual text discussed in item 2 above - and it approved for inclusion in the foreword to that edition certain material which explained the status of the English, French and Spanish texts of those Articles of the Convention which had been amended since the signature of the Convention.

C-WP/3698, 29/11/62, English, French, Spanish - Subject No. 44: Translation of the Chicago Acts in various languages. Trilingual edition of the Chicago Convention, Doc. 7300/2. Proposed revised edition (4 p.).

Doc. 8294-6 (Open), C/940-6 (Open), 8/2/63 - Council, Forty-seventh Session, Minutes of the Sixth Meeting, 5 December 1962, p. 98, 103 (paras. 3, 25/30).

4. Communication from the Government of India regarding compliance with the Chicago Convention and with the International Air Services Transit Agreement

On 3 December 1962, the Council agreed to instruct the Secretary-General to transmit to all Contracting States a copy of a cable received from the Government of India to the effect that, due to a grave emergency, India might not find it possible to comply with all the provisions of the Convention on International Civil Aviation and of the International Air Services Transit Agreement.

C-WP/3696, 28/11/62, English, Spanish - Subject No. 15: Subjects relating to air transport. Subject No. 27: Chicago Convention. Communication from the Government of India regarding compliance with the Chicago Convention and with the International Air Services Transit Agreement (3 p.).

Doc. 8294-5, C/940-5, 8/2/62 - Council, Forty-seventh Session, Minutes of the Fifth Meeting, 3 December 1962, p. 70, 73-75 (paras. 3, 48-50).

5. General review of the legal work of ICAO

During its fourteenth session in 1962, the Assembly made a general review of the legal work of ICAO on the basis of documentation submitted to it by the Council.

C-WP/3467, 27/11/61, English - Subject No. 24.2: Assembly agenda and documentation. General review of the legal work of the Organization (9 p.).

Doc. 8192-14, C/934-14, 1/2/62 - Council, Forty-fourth Session, Minutes of the Fourteenth Meeting, 8 December 1961, p. 183, 191-192 (paras. 5, 43-49).

A14-WP/38, LE/1, 8/5/62, English, French, Spanish - agenda item No. 29: General review of the legal work of the Organization (7 p.).

Doc. 8279, A14-LE/11 - Report and Minutes of the Legal Commission, Fourteenth Session of the Assembly, (Rome), 21 August-15 September 1962. English, French, Spanish, p. 4 (para. 7) and 13 (para. 3).

A14-Draft Min. P/8 - Assembly, Fourteenth Session, Minutes of the Eighth Plenary Meeting, (Rome) 15 September 1962. English, French, Spanish, p. 1 (para. 1).

6. Programme of future work of ICAO in the legal field

During its fourteenth session in 1962, the Assembly took decisions on the programme of future work of ICAO in the legal field after considering documentation on this matter submitted to it by the Council. During its fourteenth session, which took place at the same time as the Assembly, the Legal Committee noted that its work programme would be as decided at the Assembly. Later, on 28 November 1962, the Council approved the Committee's work programme.

C-WP/3428, 26/10/61, English - Subject No. 24.2: Assembly agenda and documentation. Draft documentation for the Legal Commission of the Fourteenth Session of the Assembly (6 p.).

Doc. 8192-13, C/934-13, 1/2/62 - Council, Forty-fourth Session, Minutes of the Thirteenth Meeting, 6 December 1961, p. 166, 167-177 (paras. 5, 47-56).

C-WP/3503, 7/2/62, English - Subject No. 24.2: Assembly agenda and documentation. Draft documentation for the Legal Commission of the Fourteenth Session of the Assembly (7 p.).

C-WP/3562, 9/4/62, English - Subject No. 24.2: Assembly agenda and documentation. Draft documentation for the Legal Commission of the Fourteenth Session of the Assembly (2 p.).

Doc. 8230-5, C/936-5, 21/5/62 - Council, Forty-fifth Session, Minutes of the Fifth Meeting, 28 March 1962, p. 72, 77-80 (paras. 2, 20-40).

Doc. 8230-10 (Open), C/936-10, 11/6/62 - Council, Forty-fifth Session, Minutes of the Tenth Meeting, 11 April 1962, p. 157, 169 (paras. 8, 73-77).

A14-WP/39, LE/2, 11/5/62, English, French, Spanish - Agenda item No. 30: Programme of future work of the Organization in the legal field (12 p.).

A14-WP/80, LE/5, 7/8/62, English, French, Spanish - Agenda item No. 30: Programme of future work of the Organization in the legal field (Comments submitted by the Polish People's Republic) (2 p.).

Doc. 8302-LC/150-1 - Legal Committee, Fourteenth Session, (Rome) 28 August - 15 September 1962. Volume I (Minutes). English, French, Spanish, p. (viii), (xxxiii), (xxxv), 183-185.

Doc. 8302 - LC/150-2 - Legal Committee, Fourteenth Session, (Rome) 28 August - 15 September 1962. Volume II (Documents). English, French, Spanish, p. 206-219.

C-WP/3654, 31/10/62, English - Subject No. 16.1: Report of the Legal Committee, p. 3, 5 (paras. 3-4, 10).

Doc. 8294-3, C/940-3, 4/1/63 - Council, Forty-seventh Session, Minutes of the Third Meeting, 28 November 1962, p. 40-41, 48-49 (paras. 3, 32-38).

Doc. 8279, A14-LE/11 - Report and Minutes of the Legal Commission, Fourteenth Session of the Assembly, (Rome) 21 August - 15 September 1962. English, French, Spanish, p. 4-8 (paras. 8-15.1), 13 (paras. 4-7), 19-21 (paras. 17-45), 22-24 (paras. 1-24), 29-31 (paras. 28-43), 32-36 (paras. 1-40) and 37-39 (paras. 1-23).

A14-Draft Min. P/8 - Assembly, Fourteenth Session, Minutes of the Eighth Plenary Meeting, (Rome) 15 September 1962. English, French, Spanish, p. 1 (para. 1).

7. Participation of States in international conventions on private air law

During its Fourteenth Session in 1962, the Assembly, having considered documentation on the participation of States in international conventions on private air law which the Council had submitted to it, adopted a resolution expressing the hope that the States concerned would as soon as possible ratify or adhere to the Protocol, signed at The Hague on 28 September 1955, to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929.

C-WP/3504, 12/2/62, English - Subject No. 24.2: Assembly agenda and documentation. Participation of States in international conventions on private air law (Res. A12-23). (5 p.)

Doc. 8230-3, C/936-3, 21/5/62, English - Council, Forty-fifth Session, Minutes of the Third Meeting, 23 March 1962, p. 38, 44 (paras. 8, 37-40).

A14-WP/40, LE/3, 17/5/62, English, French, Spanish - Agenda item No. 31: Status of international conventions on air law (Res. A12-23). (17 p.)

A14-WP/88, LE/6, 23/8/62, English, French, Spanish - Agenda item No. 31: Status of international conventions on air law (Res. A12-23). (Proposal by Sweden and the United States of America). (1 p.)

A14-WP/89, LE/7, 23/8/62, English, French, Spanish - Agenda item No. 31: Status of international conventions on air law. (Proposal by Argentina). (1 p.)

A14/WP/92, LE/8, 23/8/62, English. French, Spanish - Agenda item No. 31: Status of international conventions on air law (Res. A12-23). (Proposal by France). (1 p.)

A14-Draft Min. P/8 - Assembly, Fourteenth Session, Minutes of the Eighth Plenary Meeting, (Rome) 15 September 1962. English, French, Spanish p. 1-2 (paras. 1-5). Assembly Resolution A14-38.

Doc. 8279, A14-LE/11 - Report and Minutes of the Legal Commission, Fourteenth Session of the Assembly, (Rome) 21 August - 15 September 1962. English, French, Spanish, p. 8-9 (paras. 16-16.3), 13-16 (paras. 4-29), 17-18 (paras. 1-12, 24-26, 25-43), 27-29 (paras. 1-27), 43 (paras. 6-8).

8. Proposed Repertory of practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation

During its Fourteenth Session in 1962, the Assembly noted the interim report submitted to it by the Council concerning the proposal for a repertory of practice of the Assembly, the Council and other ICAO organs in relation to the Convention on International Civil Aviation.

C-WP/3456, 4/12/61, English - Subject No. 24.2: Assembly agenda and documentation. Preparation of documentation proposed Repertory of practice. (29 p.)

Doc. 8230-3, C/936-3, 21/5/62 - Council, Forty-fifth Session, Minutes of the Third Meeting, 23 March 1962, p.38, 44-51 (paras. 8-9, 41-70).

A14-WP/41, LE/4, 18/6/62, English, French, Spanish - Agenda item No. 32: Proposed Repertory of practice of the Assembly, the Council and other organs in relation to the Convention on International Civil Aviation. (2 p.)

Doc. 8279, A14-LE/11 - Report and Minutes of the Legal Commission, Fourteenth Session of the Assembly, (Rome) 21 August - 15 September 1962. English, French, Spanish, p. 8 (para. 17), 40 (paras. 24-37).

A14 - Draft Min. P/8 - Assembly, Fourth Session, Minutes of the Eighth Plenary Meeting, (Rome) 15 September 1962. English, French, Spanish, p. 1 (para. 1).

9. Standing Rules of Procedure of the Assembly - Procedure to be followed in the election of the Council

During its Fourteenth Session in 1962, the Assembly amended its Standing Rules of Procedure governing the procedure to be followed in the election of the Council and the election of the new Council during that session was conducted in accordance with the amended rules.

C-WP/3450, 7/11/61, English - Subject No. 24.2: Assembly agenda and documentation. Amendments to the rules governing the procedure to be followed in the election of the Council (Res. A12-3). (12 p.)

Doc. 8192-11, C/934-11, 1/2/62 - Council, Forty-fourth Session, Minutes of the Eleventh Meeting, 1 December 1961, p. 142, 144-147 (3, 12-23).

A14-WP/3, EX/1, 21/12/61, English, French, Spanish - Agenda item No. 11.1: Amendments to the rules governing the procedure to be followed in the election of the Council (Res. A12-5). (12 p.)

A14-WP/3, EX/1, 21/12/61, Corrigendum, 4/5/62, French - Agenda item No. 11.1: Amendments to the rules governing the procedure to be followed in the election of the Council (Res. A12-3). French only, 1 p.

A14-WP/146 Min. EX/1 - Assembly, Fourteenth Session, Executive Committee, Minutes of First Meeting, (Rome) 22 August 1962. English, French, Spanish, p. 2-3 (paras. 6-8).

Doc. 8270, A14- EX/31 - Report of the Executive Committee, Fourteenth Session of the Assembly, (Rome) 21 August - 15 September 1962. English, French, Spanish, p. 3-5 (paras. 9-13).

Assembly Resolution A14-1.

A14-Draft Min. P/2 - Assembly, Fourteenth Session, Minutes of the Second Plenary Meeting, (Rome) 22 August 1962. English, French, Spanish, p. 29-30 (paras. 33-34).

10. Standing Rules of Procedure of the Assembly - Additions to agenda of extraordinary sessions of the Assembly - Deadline for circulation of proposals for amendment of the Convention on International Civil Aviation in case of extraordinary sessions of the Assembly

Late in 1961, the Council decided to present to the Assembly two amendments to the Standing Rules of Procedure of the Assembly concerning

(1) the vote, at an extraordinary session of the Assembly, required for the addition of items to its agenda and (2) the deadline for circulation of proposals for amendment of the Convention on International Civil Aviation in case of an extraordinary session of the Assembly. Subsequently, the compatibility of the proposed amendments with the relevant provisions of the Convention on International Civil Aviation /Article 48 (c) and Article 48 (a)/ having been challenged, it was decided not to proceed with either of them and merely to prepare a brief report for the Assembly.

C-WP/3499, 31/1/62, English - Subject No. 24.2: Assembly agenda and documentation. Subject No. 41: Rules of Procedure of the various representative bodies in ICAO. Rules of Procedure of the Assembly. (21 p.)

C-WP/3560, 5/4/62, English - Subject No. 24.2: Assembly agenda item No. 11.2: Amendments to the Rules of Procedure of the Assembly relating to extraordinary sessions. (1 + 3 p.)

Doc. 8230-1, C/936-1, 21/5/62 - Council, Forty-fifth Session, Minutes of the First Meeting, 19 March 1962, p. 4, 15-17 (paras. 8, 59-68).

Doc. 8230-5, C/936-5, 21/5/62 - Council, Forty-fifth Session, Minutes of the Fifth Meeting, 28 March 1962, p. 1-2, 74-77 (paras. 1, 5-19).

Doc. 8230-10 (Open), C/936-10, 11/6/62 - Council, Forty-fifth Session, Minutes of the Tenth Meeting, 11 April 1962, p. 157, 167-168 (paras. 6, 59-72).

A14-WP/65, EX/10, 14/5/62, English, French, Spanish - Agenda item No. 11.2: Amendments to the Rules relating to extraordinary sessions of the Assembly. (4 p.)

A14-Draft Min. EX/13 - Assembly, Fourteenth Session, Executive Committee, Minutes of Thirteenth Meeting, (Rome) 7 September 1962. English, French, Spanish, p. 1-2 (paras. 3-4).

Doc. 8270 A14-EX/31 - Report of the Executive Committee, Fourteenth Session of the Assembly, (Rome) 21 August - 15 September 1962. English, French, Spanish, p. 33 (para. 104).

11. Rules of Procedure of the Air Navigation Commission

On 26 March 1962, the Council amended the Rules of Procedure of the Air Navigation Commission to provide that a majority of the members (instead of five) should constitute a quorum. The purpose of this amendment was to make it clear that the majority intended was the majority of the actual membership and not the majority of the statutory membership of twelve. (See Article 56 of the Convention on International Civil Aviation).

C-WP/3505, 13/2/62, English - Subject No. 41: Rules of Procedure of the various representative bodies in ICAO. Review of the Rule regarding the quorum of the ANC. Item No. 234.1/61. (2 p.)

Doc. 8230-4, C/936-4, 21/5/62 - Council, Forty-fifth Session, Minutes of the Fourth Meeting, 26 March 1962, p. 54, 57-59 (paras. 2, 13-26).

12. Draft Convention on Offences and Certain Other Acts Occurring on Board Aircraft

During its Fourteenth Session, in August-September 1962, the ICAO Legal Committee adopted a draft convention on offences and certain other acts occurring on board aircraft. The draft convention includes certain rules in regard to jurisdiction over offences on board aircraft as well as provisions in regard to the disembarkation and subsequent treatment of suspected offenders and others. The ICAO Council later decided to convene an International Conference on Air Law for 20 August 1963 to consider the draft convention with a view to its approval.

Doc. 8302-LC/150-1 - Legal Committee, Fourteenth Session, (Rome) 28 August - 15 September 1962. Volume I (Minutes). English, French, Spanish, p. xxv-xxxii, 2-179, 187-198, 203-204.

Doc. 8302-LC/150-2 - Legal Committee, Fourteenth Session, (Rome) 28 August - 15 September 1962. Volume II (Documents). English, French, Spanish, p. 1-118.

C-WP/3654, 31/10/62, English - Subject No. 16.1: Report of the Legal Committee, p. 2.

C-WP/3655, 19/11/62, English - Subject No. 12.5: Plans for legal meetings - Programme of legal meetings in 1963 and 1964, p. 1-3, 6 (paras. 1-7, 15).

C-WP/3655, 19/11/62, Addendum, 28/11/62, English - Subject No. 12.5: Plans for legal meetings - Programme of legal meetings in 1963 and 1964. (1 p.)

Doc. 8294-3, C/940-3, 4/1/63 - Council, Forty-seventh Session, Minutes of the Third Meeting, 28 November 1962, p. 40, 45-48 (paras. 3, 18-32).

Doc. 8294-5, C/940-5, 8/2/63 - Council, Forty-seventh Session, Minutes of the Fifth Meeting, 3 December 1962, p. 70-71, 80 (paras. 3, 48-50).

CHAPTER X

LEGAL BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

MAIN HEADINGS

A. INTERNATIONAL ORGANIZATIONS IN GENERAL
   1. GENERAL
   2. PARTICULAR QUESTIONS

B. UNITED NATIONS
   1. GENERAL
   2. PARTICULAR ORGANS
      - Administrative Tribunal
      - Economic Commission for Europe
      - International Court of Justice
      - Secretariat
      - Security Council
      - United Nations Forces

   3. PARTICULAR QUESTIONS OR ACTIVITIES
      - Atomic energy
      - Charter revision
      - Collective security
      - Commercial arbitration
      - Diplomatic relations
      - Disarmament
      - Fact-finding
      - Financing
      - Friendly relations and co-operation among States
      - Human rights
      - Law of the sea
      - Law of treaties
      - Membership and representation
      - Narcotic drugs
      - Non-self-governing territories
      - Outer space
      - Political and security questions
      - Privileges and immunities
      - Progressive development and codification of international law (in general)
      - Refugees
      - Self-determination
      - Statelessness
      - Treaty-making power
      - Trusteeship
      - Use of force

C. INTER-GOVERNMENTAL ORGANIZATIONS RELATED TO THE UNITED NATIONS

1. GENERAL

2. PARTICULAR ORGANIZATIONS

General Agreement on Tariffs and Trade
International Atomic Energy Agency
International Bank for Reconstruction and Development
International Civil Aviation Organization
International Labour Organisation
International Monetary Fund
International Telecommunication Union
United Nations Educational, Scientific and Cultural Organization
Universal Postal Union
World Health Organization

LEGAL BIBLIOGRAPHY OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS 1/

A. INTERNATIONAL ORGANIZATIONS IN GENERAL

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