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REGIONAL AND INTERNATIONAL ACTIVITIES

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

The sixth regular session of the General Assembly of the Organization of American States will be held in Santiago, Chile, starting June 4, 1976.

The preliminary draft agenda of this session contains more than thirty topics. The Assembly will consider, for example, the reports from the Councils, Committees, Commissions, Specialized Inter-American Organizations and other entities of the OAS. It will take up several aspects of administrative and budgetary matters.

A special item will be transnational enterprises. It is expected that the Permanent Council of the OAS will submit a report on this topic. The Inter-American Juridical Committee has prepared an extensive report on the subject, which might also be presented to the Assembly. The Trade Act of 1974 of the United States will be considered as a separate item.

Under other topics the General Assembly will deal with human rights, such as the annual report of the Inter-American Commission on Human Rights, and a special report on the status of human rights in Chile. There will be an election of members of the Inter-American Juridical Committee in view of the expiration of the terms of office of three members and the election of a member to complete the term of one member who resigned.

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

INTER-AMERICAN JURIDICAL COMMITTEE

The Inter-American Juridical Committee held a regular meeting from January 12 to February 13, 1976, during which it approved a very important report on transnational enterprises, a resolution on the Malvinas Islands, the program for the third course of international law, and the annual report to the General Assembly.

The Secretary General of the OAS, doctor Alejandro Orfila, attended the inaugural session of the meeting held on January 12, and addressed the Committee.* He stated, among other things, that the work accomplished by the Committee "in the course of its long history is well known. From its beginnings in 1939 as the Inter-American Neutrality Committee through 1942 when it assumed its present name, up to the present time, the Committee has carried out studies and tasks of great value in resolving the juridical problems arising in this particular historical context." He also recalled that "the legal aspects of inter-American relations have come to the fore at certain periods in the history of our Hemisphere," and mentioned that "from 1923 to 1954 the inter-American system showed a very special interest in juridical problems. Thus in that time span, the American nations approved some seventy multilateral instruments—conventions, treaties or protocols—of an inter-American nature. This was, without a doubt, a step of singular importance in the relations between our peoples." But "little progress was made between 1954 and 1974 in the field of positive international law, in spite of the numerous studies made and papers produced by the Inter-American Juridical Committee. Governments were at that time very concerned with problems of development, and were unable to give juridical problems the attention they deserved. It was possibly for this reason that from 1955 to 1974, that is, for a long period of twenty years, only seven or eight inter-American conventions or protocols were approved."

The Secretary General also referred to the amendments of the OAS Charter made by the Protocol of Buenos Aires of 1967, which entered into force in 1970, according to which the Inter-American Juridical Committee became the principal juridical organ of the OAS. He stated that "In this new phase, beginning with its meeting in September-October 1970, the Committee carried out activities of great importance to the inter-American system." He congratulated the Committee "for having organized

*The complete text of the address by the OAS Secretary General appears in the annual report of the Inter-American Juridical Committee, chapter relating to the regular meeting of the Committee held in January-February 1976.

and held since 1974 the course on international law; the General Secretariat was honored to have cooperated in the planning and implementation of this course, which has been well received by the governments of the Member States, as their representatives on the Permanent Council and the General Assembly have testified."

Furthermore, the Secretary General singled out some important studies, papers and reports done by the Committee, indicating that the Committee "will be able to make an extremely valuable contribution to the efforts to bring a new dynamism to the OAS." He then made a cordial suggestion to the Committee "that it review its program of activities and draw up an agenda for the next several years, without, of course, adversely affecting its present or future responsibilities as provided for in Art. 106 of the Charter." He suggested that "In this new program of work, the Committee could include five or six principal topics of fundamental and vital importance for the progress of inter-American juridical relations." For example, the question of the law of the sea will be of exceptional interest if the Third United Nations Conference on the Law of the Sea does not reach an agreement, or if such an agreement is not satisfactory to the Latin American countries.

The legal problems of transnational enterprises is another topic of immediate concern, and is one to which the Committee ought to continue to give high priority. The preparatory work for CIDIP-II (Second Inter-American Specialized Conference on Private International Law), the studies related to industrial property and extradition ought also to receive special attention of the Committee."

After mentioning the juridical problems related to the integration of the developing countries of the Hemisphere as an important topic for the Committee's future work, the Secretary General stated that "In connection with the development in its widest sense, the Committee might identify those legal aspects and problems which are most important and pressing. On this vast topic, as on other contemporary matters of interest, the Committee might wish to consult with the governments about the specific questions and aspects which should have the highest priority."

In connection with the collaboration of the General Secretariat, he stated: "I am pleased to add that the General Secretariat will continue to cooperate with the Committee to the fullest possible extent. In this regard, allow me to recall that since 1970, when the Committee began to function under the provisions of the amended Charter, the Department of Legal Affairs has prepared eighteen reference documents and background

studies for the purpose of cooperating with the Committee's study of topics on its agenda; it has also cooperated with the rapporteurs by providing technical information and documentation. It has also published the reports, opinions and other documents approved by the Committee during its various meetings."

TRANSNATIONAL ENTERPRISES

An extensive report on transnational enterprises was approved by the Inter-American Juridical Committee during its meeting in January-February 1976. The eight conclusions approved by the Committee are as follows?

1. To apply the name "transnational" to those enterprises which, using corporative techniques, carry out operations in different countries, have an inter-dependence of interests and use unified criteria as the basis for planning, business operations and economic and administrative policies. These enterprises generally have a main headquarters—the home office—in one country, and affiliates in other countries.

2. Transnational enterprises have a responsibility commensurate with their economic and administrative influence, in matters such as those relating to violations or breaking of the juridical order. The joint and several responsibility of the enterprise must coincide with the limited responsibility of the corporations, dovetailing in two elements, one of them generic—the responsibility of the enterprise and the other specific—the responsibility of the home office for its actions determining the conduct of an affiliate, or for the actions of one subsidiary on another.

3. Transnational enterprises are subject to the sovereignty and therefore to the laws and decisions of judges and courts and the competent authorities of the State in which they operate. They may not claim preference or privilege on account of their transnational nature, nor on account of the foreign interests which they may have.

Transnational enterprises should conduct their activities in conformity with the policies of the state with respect to investments, reinvestments, credit, money, taxes, prices, marketing, industrial property, return of invested capital, remittance of profits, etc. They are obliged to provide information on their activities without any conditions, restrictions or limitations.

They are absolutely prohibited from taking part in political activities and from interfering directly or indirectly with the sovereignty of States.

Each State may determine sanctions to which the transnational enterprises may become liable if they violate the legal order.

The States, in addition to the internal legal norms which they consider necessary or appropriate in the matter, should cooperate in preventing and curbing excesses and abuses by the transnational enterprises.

4. The transnational enterprises and the corporations which comprise them are not legal persons in international law, and do not have any standing before international courts. The American states should abstain from adhering to conventions which would in some fashion concede to these enterprises or to the corporations which comprise them direct access to international courts, including arbitration courts, since this would place the transnational enterprises in an advantageous position with respect to national enterprises. The questions raised by transnational enterprises may eventually come before the international courts by means of the agreements signed by the States for settlement of their own disputes. The international courts derive their competence from the express consent of the states.

5. The States should regulate and keep a close watch over the transfer of technology by transnational enterprises, whether through their subsidiaries or by means of contracts with other enterprises, and they may prohibit the payment of royalties in cases of transfer of technology within the transnational enterprise.

6. Agreement between the States is indispensable to re-establishing a balance—and thus a correlation in terms of efficiency—between the economic sector operated as a unit by the transnational enterprises, and the legal and political sectors operated by the States.

The States should affirm their cooperation and understanding on the matter of the transnational enterprises, as a priority objective, through the mechanisms of the United Nations Organization and the Organization of American States, both in relation to the formulation of general rules and the settlement of disputes.

7. The creation of an Inter-American Center for Transnational Enterprises will permit a regular and continuous analysis of the con-

tributions to development made by the transnational enterprises, and of their excesses, and will provide valid data on which an empirically-derived policy can be based.

8. These conclusions do not refer to the multinational enterprises which are organized within the processes of regional integration.

THE MALVINAS

During its regular meeting held in January-February 1976, the Inter-American Juridical Committee approved a Declaration on the Malvinas, stating that "the Republic of Argentina has an undeniable right of sovereignty over the Malvinas, Islands, and for that reason the basic question to be resolved is that of the procedure to be followed for restoring its territory to it." It further stated that the so-called *Shackleton Mission*, "sponsored by the Government of the United Kingdom of Great Britain and Northern Ireland amounts to making a change unilaterally, and therefore is in contradiction to Resolutions 2065 (XX) and 3160 (XXVIII) of the General Assembly of the United Nations." The Declaration expressed that "the presence of foreign warships in waters adjacent to American states and the intimidatory announcement by British authorities of the sending of other ships constitute threats to the peace and security of the continent, as well as flagrant violations of the international rules on nonintervention." Finally, the Declaration expressed that ". . . all of that amounts to hostile conduct intended to silence the claims of the Government of Argentina and to obstruct the course of the negotiations recommended by the General Assembly of the United Nations."

COURSE ON INTERNATIONAL LAW

At the meeting of January-February 1976, the Inter-American Juridical Committee approved the program for the third course on international law, a very important activity of the Committee, to be held at the Getúlio Vargas Foundation in Rio de Janeiro, with the collaboration of the Department of Legal Affairs of the General Secretariat.

The pertinent chapter of the report of the Committee submitted to the sixth regular session of the General Assembly states that: "In view of the excellent results obtained in the first and second courses, and in accordance with the provisions of Resolution AG/RES.185 (V-O/75) approved by the General Assembly of the OAS in May 1975, the Inter-American

Juridical Committee will hold the third course on international law in Rio de Janeiro, in cooperation with the General Secretariat of the OAS and the Getúlio Vargas Foundation. The course will last four weeks, Monday through Friday, from 9:30 a.m. to 1 p.m., and will begin on July 19, 1976."

In addition, it is stated in the report that in accordance with suggestions made and approved by the Committee, "plans have been made for a series of lectures which will, in the main, be the responsibility of members of the Committee. The Director of the Course will include in the timetable some seminars and round-tables for the purpose of extending the debate on topics relating to the Curriculum. Participants will also have the opportunity to attend some of the meetings of the Committee. Dr. Isidoro Zanotti, who was very efficient and capable Director of the first and second courses, will also assume this responsibility for the 1976 course."

The third course will deal with the following main topics: Multi-national companies and transnational enterprises; inter-American system and other topics of public international law; topics dealing with the Second Inter-American Specialized Conference on Private International Law (CIDIP-II); evaluation of the results of the Third United Nations Conference on the Law of the Sea.

CIDIP-II

The Second Inter-American Conference on Private International Law (CIDIP-II) will be held in Uruguay. The date of the Conference has not been established as yet, but most likely it will take place in 1977.

CIDIP-II was convoked by Resolution AG/RES.187 (V-O/75) approved by the General Assembly in May 1975. The Permanent Council of the OAS has approved the preliminary draft agenda (CP/RES.168). The preliminary agenda contains the following eight topics: Recognition and enforcement of foreign judicial judgments; 2) execution of preventive measures decreed in judicial proceedings on civil and commercial matters; 3) proof of foreign law and information on legal standards in force in the American countries; 4) conflicts of laws and uniform law on checks of international circulation; 5) updating of standards in force in the Americas on conflicts of laws relating to corporations; 6) international sale of goods; 7) international waterborne transportation, with special reference to bills of lading, and 8) general standards on private international law.

STRENGTHENING OF INTER-AMERICAN RELATIONS

The exchange of visits between leaders of American countries can contribute greatly to the strengthening of inter-American cooperative relations, and understanding among the peoples of this Hemisphere.

One significant example of this activity is the visit by Dr. Henry A. Kissinger, U.S. Secretary of State, to five Latin American countries in February 1976.

We reproduce here excerpts from some of the addresses and remarks he made during his visit. They have been taken from "Major Statements on Latin America by Secretary of State Henry A. Kissinger, made during his visits to Venezuela, Peru, Brazil, Colombia, and Costa Rica." Department of State publication 8848, February 1976, 28 pages.

At Macuto, Venezuela, he expressed that in the spirit of working solidarity, "the United States pledges itself: To take special cognizance of the distinctive requirements of the more industrialized economies of Latin America—and of the region as a whole—in our efforts to build a more equitable international order. . . . To maintain direct assistance to the neediest nations in this Hemisphere still oppressed by poverty and natural disaster. . . . To support Latin American regional and sub-regional efforts to organize for cooperation and integration. . . . To negotiate on the basis of parity and dignity our specific differences with each and every State—both bilaterally and, where appropriate, multilaterally. . . . To enforce our commitment to mutual security and the Bolivarian ideal of regional integrity against those who would seek to undermine solidarity, threaten independence, or export violence. . . . To work to modernize the inter-American system to respond to the needs of our times, to give direction to our common actions."

In Bogotá, Colombia, he said: "The task we face today—indeed, the purpose of my trip—is to search out the leadership and the initiatives which will forge a common pact for bettering the condition of man. It is with this idea in mind that I have come to your country. We, together with you and your neighbors in this Hemisphere, begin the quest with a great advantage. This continent is a continent of peace. The nations of South America do not threaten each other. . . . This continent, unlike almost all the others, has not been historically preoccupied with international tensions and conflicts. It has been able to focus its energies on

our positive responsibility of building a system of international cooperation. That sense of international responsibility is one of the treasures of our hemispheric tradition.”

In Brasília, he stated: “There has never been any doubt in my mind that Brazil’s diplomats speak for a nation of greatness—a people taking their place in the front rank of nations, a country of continental proportions with a heart as massive as its geography, a nation now playing a role in the world commensurate with its great history and its even greater promise. My country welcomes Brazil’s new role in world affairs. It is for this reason that I am so pleased to have the opportunity to say something about how our two nations may face together in the years to come the issues of our complex modern world, and how the institution of consultation which we shall establish here during my visit will, I am confident, give meaning and strength and permanence to our cooperation.” (During the visit by the Secretary of State, a new agreement between Brazil and the United States was signed, establishing a mechanism of regular consultations between the two countries at the ministerial level.)

Speaking about this agreement, the Secretary of State said: “Our new procedure of consultation will not guarantee automatic solutions. But as we address the bilateral issues between us, and the issues in major international negotiations in which our nations are called upon to participate, our exchange of views takes on new and serious importance. . . . This mechanism will serve us well in the search for solutions to the trade problems which have emerged between us. . . . In addition, our consultation can be employed to explore ways of coordinating the policies of our Governments to promote the fullest dedication of private and public resources to the transfer of scientific and technological advances in the interests of Brazil’s long-term development. We also foresee that our consultations might reach as well into the areas of energy, space, and ocean resources development—all of which hold immense promise of benefits for all mankind.”

UNITED NATIONS

GENERAL ASSEMBLY

The thirtieth regular session of the General Assembly of the United Nations was held in New York from September 16 to December 17, 1975. A resumé of some of the resolutions adopted during that session is presented in this report.

SECURITY COUNCIL

The General Assembly elected Dahomey, Lybia, Panama, Pakistan and Romania to serve on the Security Council for a two-year term beginning January 1, 1976. As of January 1, 1976 the Security Council is composed of the following fifteen members: China, Dahomey, France, Guyana, Italy, Japan, Lybia, Panama, Pakistan, Romania, Sweden, USSR, United Kingdom, United Republic of Tanzania, and United States.

ECONOMIC AND SOCIAL COUNCIL

The General Assembly elected eighteen states to serve on the Economic and Social Council (ECOSOC) for a three-year term beginning January 1, 1976. ECOSOC consists of fifty-four members. Of these the following are Member States of the OAS: Argentina, Bolivia, Brasil, Colombia, Cuba, Ecuador, Jamaica, Mexico, United States and Venezuela.

INTERNATIONAL COURT OF JUSTICE

Five members of the International Court of Justice were elected by the General Assembly for a nine-year term beginning February 6, 1976.

As of February 6, 1976 the Court is composed of the following 15 members: Federico de Castro, (Spain), Hardy C. Dillard (United States), Taslim O. Elias (Nigeria), Isaac Forster (Senegal), André Gros (France), Louis Ignacio-Pinto (Dahomey), Eduardo Jiménez de Aréchaga (Uruguay), Manfred Lachs (Poland), Platon D. Morozov (Soviet Union), Hermann Mosler (Federal Republic of Germany), Shigeru Oda (Japan), José María Ruda (Argentina), Nagendra Singh (India), Salah El Dine Tarazi (Syria), Sir Humphrey Waldock (United Kingdom).

ADMINISTRATOR OF THE U.N. DEVELOPMENT PROGRAM

The General Assembly agreed to confirm the appointment by the Secretary General of Bradford Morse as Administrator of the United Nations Development Program for a term ending December 31, 1979.

WORLD FOOD COUNCIL

The General Assembly elected twelve members of the World Food Council. The Council is composed of thirty-six members. Of these the

following are Member States of the OAS: Argentina, Colombia, Cuba, Guatemala, Mexico, Trinidad and Tobago, United States and Venezuela.

EXECUTIVE DIRECTOR OF THE U.N. ENVIRONMENT PROGRAM

A proposal by the Secretary General to nominate Mostafa Kamal Tolba to serve as Executive Director of the United Nations Environment Program was approved by the General Assembly. He will serve for the unexpired portion of the term of Maurice F. Strong, namely from January 1 to December 31, 1976.

GOVERNING COUNCIL OF THE U.N. ENVIRONMENT PROGRAM

The General Assembly elected twenty members to serve on the Governing Council of the United Nations Environment Program for a three-year term beginning January 1, 1976. The Council is composed of fifty-eight members. Of these the following are Member States of the OAS: Argentina, Brazil, Colombia, Grenada, Guatemala, Jamaica, Mexico, Peru, United States, Uruguay and Venezuela.

INDUSTRIAL DEVELOPMENT BOARD

Fifteen states were elected by the General Assembly to serve on the Industrial Development Board for a three-year term beginning January 1, 1976. The Board is composed of forty-five members. Of these the following are Member States of the OAS: Argentina, Brasil, Cuba, Grenada, Jamaica, Mexico, Peru, United States and Venezuela.

BOARD OF GOVERNORS OF THE U.N. SPECIAL FUND

The General Assembly elected nine members to serve on the Board of Governors of the United Nations Special Fund for a three-year term beginning January 1, 1976. The Assembly authorized ECOSOC to elect a member from the Group of Western European and other States. The Board is composed of thirty-four members. Of these the following are Member States of the OAS: Argentina, Brasil, Costa Rica, Paraguay, Uruguay and Venezuela.

OUTER SPACE

By Resolution 3388 (XXX), adopted on November 18, 1975, the General Assembly recommended that the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space should as a matter of high priority:

- a) Continue to consider the draft treaty relating to the Moon;
- b) Continue to consider the elaboration of principles governing the use of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement in accordance with General Assembly Resolutions 2916 (XVII) of November 9, 1972 and 3234 (XXIX) of November 12, 1974;
- c)
 - i. Continue its detailed legal consideration of remote sensing from space of the earth—that is—of its natural resources and its natural environment—taking into account the various views of States expressed on the subject, including proposals for draft international instruments, and taking into account all relevant discussions, views and conclusions concerning organizational, economic and technical aspects of remote sensing in the scientific and technical Sub-Committee of the Committee on the Peaceful Uses of Outer Space;
 - ii. Proceed to the drafting of principles in regard to those particular areas of the subject where common elements in the views of the States are identified.

STRENGTHENING OF INTERNATIONAL SECURITY

In Resolution 3389 (XXX) approved on November 18, 1975, the General Assembly called upon all States to seek strict and consistent implementation of the purposes and principles of the Charter of the United Nations and of the provisions of the Declaration on the Strengthening of International Security as a basis for relations among states, irrespective of their size, level of development and socio-economic system. It also called upon all States to extend the process of détente to all regions of the world, with the equal participation of all States in order to bring about just and lasting solutions to international problems so that peace and security will be based on effective respect for the sovereignty and independence of all States. It reaffirmed its opposition to any threats of

use of force, intervention, aggression, foreign occupation and measures of political and economic coercion which attempt to violate the sovereignty, territorial integrity, independence and security of States.

ARMAMENTS RACE

The General Assembly, by its Resolution 3462 (XXX) of December 11, 1975, called upon all States, as well as the organs concerned with disarmament issues, to place at the center of their preoccupations the adoption of effective measures for the cessation of the arms race, especially in the nuclear field, and for the reduction of the military budgets. It requested the Secretary General to update the report entitled "Economic and Social Consequences of the Arms Race and of Military Expenditures."

IMPLEMENTATION OF THE DECLARATION ON THE DENUCLEARIZATION OF AFRICA

In its Resolution 3471 (XXX), adopted on December 11, 1975, the General Assembly expressed that the implementation of the Declaration of the African Heads of State and Government on the Denuclearization of Africa will be a significant measure to prevent the proliferation of nuclear weapons in the world, conducive to complete and general disarmament, particularly nuclear disarmament. It reaffirmed that all States should consider and respect the continent of Africa, including the continental African States, Madagascar and other islands surrounding Africa, as a nuclear-weapon-free zone. It reiterated that all States should refrain from testing, manufacturing, deploying, transporting, storing, using or threatening to use nuclear weapons on the African continent.

DEFINITION OF THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONE

In part B of Resolution 3472 (XXX) of December 11, 1975, the General Assembly adopted the following declaration:

A "nuclear-weapon-free zone," shall, as a general rule, be deemed to be any zone, recognized as such by the United Nations General Assembly, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby:

- a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone;
- b) An international system of verification and control is established to guarantee compliance with the obligation deriving from that statute.

*ACTION TO INFLUENCE THE ENVIRONMENT AND CLIMATE
FOR MILITARY AND OTHER HOSTILE PURPOSES*

By Resolution 3475 (XXX), adopted on December 11, 1975, the General Assembly requested the Conference of the Committee on Disarmament to continue negotiations, bearing in mind existing proposals and suggestions as well as relevant discussion by the General Assembly, with a view to reaching early agreement, if possible during the Committee's 1976 session, on the text of a convention on the prohibition of military or other hostile use of environment modification techniques, and to submit a special report on the results achieved for consideration by the General Assembly at its thirty-first session.

*ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONE
IN SOUTH ASIA AND IN THE SOUTH PACIFIC*

By Resolution 3475 (XXX), adopted on December 11, 1975, the General Assembly: a) urged the States of South Asia to continue their efforts to establish a nuclear-weapon-free zone in South Asia, and b) endorsed the idea of the establishment of nuclear-weapon-free zone in the South Pacific.

*INSTITUTIONAL ARRANGEMENTS IN THE FIELD
OF TRANSFER OF TECHNOLOGY*

In its Resolution 3507 (XXX), approved on December 15, 1975, the General Assembly reaffirmed the importance of wider dissemination of scientific and technological information, the need to enable developing countries to have access to specific information on advanced and other technologies requested by them, as well as on the new uses of existing technology, new development, possibilities of adapting them to local needs, and the need to enable developing countries to select technologies which

meet their requirements. The Assembly requested the Executive Director of the United Nations Industrial Development Organization to continue to take, in consultation with appropriate organizations of the United Nations system, all necessary measures to establish an industrial technological information bank as a component of an over-all technological information exchange network, and to report, through ECOSOC, to the General Assembly at its thirty-first session. Furthermore the Assembly requested other organizations in the United Nations system, including regional commissions to undertake feasibility studies on the establishment of sectoral and regional technological information banks and/or viable information system and to report, through ECOSOC, to the General Assembly at its thirty-second session.

UNITED NATIONS WATER CONFERENCE

By its Resolution 3513 (XXX) of December 15, 1975 the General Assembly expressed its appreciation for the decision of ECOSOC to convene the United Nations Water Conference in Argentina from March 7 to 18, 1977. It requested the Secretary General to give ample support to the Conference secretariat in its preparatory work, to bring to the attention of Member States the nature and importance of the water problems to be dealt with at the Conference, and to give wide publicity to the Conference.

PRACTICES OF TRANSNATIONAL AND OTHER CORPORATIONS

In its Resolution 3514 (XXX), adopted on December 15, 1975, the General Assembly condemned all corrupt practices, including bribery, by transnational and other corporations, their intermediaries and others involved in violation of the laws and regulations of the host countries. It reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against transnational and other corporations, their intermediaries and others involved in such corrupt practices. The Assembly also called upon both home and host Governments to take, within their respective national jurisdictions, all necessary measures which they deem appropriate, including legislative measures, to prevent such corrupt practices and to take appropriate measures against the violators. It called upon Governments to collect information on such corrupt practices, as well as on measures taken against such practices, and to exchange information bilaterally and, as appropriate, multilaterally, particularly through the

United Nations Center on Transnational Corporations. The Assembly also requested ECOSOC to direct the Commission on Transnational Corporations to include in its program of work the question of corrupt practices of transnational corporations and to make recommendations on ways and means whereby such corrupt practices can be effectively prevented.

UNCITRAL

By its Resolution 3494 (XXX) adopted on December 15, 1975 the General Assembly noted with satisfaction that a draft convention on the carriage of goods by sea had been prepared by a working group of the United Nations Commission on International Trade Law (UNCITRAL) and that this draft convention had been transmitted to Governments and interested international organizations for their comments. It noted also that the work on uniform rules governing the international sale of goods is nearing completion and that in the near future a draft convention on this subject will be transmitted to Governments and interested international organizations for their observations.

The Assembly recommended that UNCITRAL should:

- a) Continue in its work to pay special attention to the topics to which it had decided to give priority, namely, the international sale of goods, international payments, international commercial arbitration and international legislation on shipping;
- b) Continue to consider the advisability of preparing uniform rules governing the liability for damage caused by products intended for or involved in international trade, in accordance with the decisions thereon adopted by the Commission at its eighth session;
- c) Continue its work on training and assistance in the field of international trade law, taking into account the special interests of the developing countries;
- d) Maintain close collaboration with the United Nations Conference on Trade and Development and continue to collaborate with international organizations active in the field of international trade law;
- e) Maintain liaison with the Commission on Transnational Corporations with regard to the consideration of legal problems that would be pertinent to the Commission;

- f) Continue to give special consideration to the interests of developing countries and to bear in mind the special problems of land-locked countries;
- g) Keep its program of work and working methods under review for the purpose of further increasing the effectiveness of its work.

INTERNATIONAL LAW COMMISSION

By its Resolution 3495 (XXX) of December 15, 1975, the General Assembly approved the program of work planned by the International Law Commission for 1976, and recommended that the Commission, in the light of the observations on its plan of work made at the thirtieth session of the General Assembly, should:

- a) Complete at its twenty-eighth session (1976) the first reading of draft articles on the most-favoured-nation clause;
- b) Continue on a high priority basis its work on State responsibility, taking into account relevant General Assembly resolutions adopted at previous sessions, with a view to completing the preparation of a first set of draft articles on responsibility of States for internationally wrongful acts at the earliest possible time and to take up, as soon as appropriate, the separate topic of international liability for injurious consequences arising out of acts not prohibited by international law;
- c) Proceed with the preparation, on a priority basis, of draft articles on succession of States in respect of matters other than treaties;
- d) Proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations;
- e) Continue its study of the law of non-navigational uses of international watercourses.

The Assembly expressed confidence that the International Law Commission will review the progress of its work and adopt, in the light of such a review, the methods of work best suited to the speedy realization of the tasks entrusted to it.

*SPECIAL COMMITTEE ON THE CHARTER OF THE
UNITED NATIONS AND ON STRENGTHENING
THE ROLE OF THE UNITED NATIONS*

In its Resolution 3499 (XXX) adopted on December 15, 1975, the General Assembly decided that the Ad Hoc Committee established pursuant to General Assembly Resolution 3349 (XXIX) of December 17, 1974, should be reconvened as a Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and continue its work in pursuance of the following tasks with which it is entrusted:

- a) To examine in detail the observations received from Governments concerning:
 - (i) Suggestions and proposals regarding the Charter of the United Nations;
 - (ii) The strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of cooperation among all nations and the promotion of the rules of international law in relations between States;
- b) To consider any additional specific proposals that Governments may make with a view to enhancing the ability of the United Nations to achieve its purposes;
- c) To list the proposals which have been made in the Committee and to identify those which have awakened special interest.

RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS

By its Resolution 3500 (XXX) of December 15, 1975 the General Assembly called upon all parties to armed conflicts to acknowledge and to comply with their obligations under humanitarian instruments and to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1889 and 1907, the Geneva Protocol of 1925 and the Geneva Conventions of 1949. It called the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, and the governments and organizations participating in it, to the need for measures to promote on a universal basis the dissemination of and instruction

in the rules of international humanitarian law applicable in armed conflicts. It also urged all participants in the Diplomatic Conference to do their utmost to reach agreement on additional rules which may help to alleviate the suffering brought about by armed conflicts, and to respect and protect non-combatants and civilian property in such conflicts.

*IMPLEMENTATION BY STATES OF THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS OF 1961*

In its Resolution 3501 (XXX) of December 15, 1975, the General Assembly reaffirmed the need for strict implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961 in the interest of maintaining normal relations between them, strengthening international peace and security and developing international cooperation. The Assembly deplored instances of violations of the rules of international diplomatic law and, in particular, of the provisions of the Vienna Convention on Diplomatic Relations of 1961. It urged States which have not done so to become parties to the said Convention.

U.N. PROGRAM IN THE FIELD OF INTERNATIONAL LAW

By its Resolution 3502 (XXX) of December 15, 1975 the General Assembly authorized the Secretary General to carry out in 1976 and 1977 the activities relating to the United Nations Program of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Among others, the following activities are mentioned: a) A minimum of fifteen fellowships in 1976 and 1977, at the request of Governments of developing countries; b) assistance in the form of travel grant for one participant from each developing country invited to regional activities to be organized in 1976 and 1977, to be financed from provisions in the regular budget and also voluntary contributions which would be received. The Assembly expressed appreciation to UNESCO and UNITAR for its participation in the program.

SEVENTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

The United Nations General Assembly held its seventh special session in September 1975. It considered several aspects of development and international economic cooperation.

It approved Resolution 3362 (S-VII) on September 16, 1975, in order to set in motion several measures as the basis and framework for the work of the competent bodies and organizations of the United Nations System. The Resolution is divided into the following main chapters: I. International trade. II. Transfer of real resources for financing the development of developing countries and international monetary reforms. III. Science and Technology. IV. Industrialization. V. Food and agriculture. VI. Cooperation among developing countries. VII. Restructuring of the economic and social sectors of the United Nations System.

In the chapter dealing with international trade it is stated, among other things, that concerted efforts should be made in favor of the developing countries towards expanding and diversifying their trade, improving and diversifying their productive capacity, improving their productivity and increasing their export earnings, with a view to counteracting the adverse effects of inflation, and with a view to improving the terms of trade of the developing countries in order to eliminate the economic imbalance between developed and developing countries. It is also indicated that an important objective of the fourth session of the United Nations Conference on Trade and Development (UNCTAD) should be to reach decisions on the improvement of market structures in the field of raw materials and export commodities of interest to the developing countries, including decisions with respect to an integrated program and the applicability of elements thereof.

Under the chapter on science and technology, the Resolution states that developed and developing countries should cooperate in the establishment, strengthening and development of the scientific and technological infrastructure of developing countries. Developed countries should also take appropriate measures, such as contribution to the establishment of an industrial technological information bank and consideration of the possibility of regional and sectoral banks, in order to make available a greater flow to developing countries of information permitting the selection of technologies, in particular advanced technologies. Developed countries should significantly expand their assistance to developing countries for direct support of their science and technology programs. Also, increase substantially the proportion of their research and development devoted to specific problems of primary interest to developing countries and in the development of indigenous technology, in accordance with feasible targets to be agreed upon.

The General Assembly recommends to all States that they should cooperate in drafting an international code of conduct for the transfer of

technology, corresponding in particular to the special needs of the developing countries. Work on such a code should therefore be continued within UNCTAD and concluded in time for decision to be reached at the fourth session of UNCTAD, including a decision on the legal character of such a code with a view to adopting a code of conduct prior to the end of 1977. International conventions on patents and trade marks should be reviewed and revised to meet, in particular, the special needs of the developing countries, in order that these conventions may become more satisfactory instruments for aiding developing countries in the transfer and development of technology. National patent systems should, without delay, be brought into line with the international patent system in its revised form.

In the same chapter of the Resolution it is indicated that a United Nations Conference on Science and Technology for Development should be held in 1978 or 1979 with the main objectives of strengthening the technological capacity of developing countries to enable them to apply science and technology to their own development; adopting effective means for the utilization of scientific and technological potentials in the solution of development problems of regional and global significance, especially for the benefit of developing countries; and providing instruments of cooperation to developing countries in the utilization of science and technology for solving socio-economic problems that cannot be solved in individuals action, in accordance with national priorities. The United States system should play a major role, with appropriate financing, in achieving these objectives and in developing scientific and technological cooperation between all States in order to ensure the application of science and technology to development.

Under the chapter on industrialization, the General Assembly endorsed the 1971 Lima Declaration and Plan of Action on Industrial Development Cooperation and requested all Governments to take individually and/or collectively the necessary measures and decisions required to implement effectively their undertakings in terms of the Lima Declaration and Plan of Action. A system of consultations as provided for by the Lima Plan of Action should be established at the global, regional, interregional and sectorial levels within the United Nations Industrial Development Organization (UNIDO) and within other appropriate international bodies, between developed and developing countries and among developing countries themselves. (The Lima Declaration and Plan of Action was adopted by the Second Ministerial Meeting of the group of 77 held in Lima in 1971.)

It is also provided that developed countries should, whenever possible, encourage their enterprises to participate in investment projects within the framework of the development plans and programs of the developing countries which may so desire; such participation should be carried out in accordance with the laws and regulations of the developing countries concerned.

The Resolution deals also extensively with the food and agriculture problems. It is stressed that in order to increase rapidly food production in the developing countries, urgent and necessary changes in the pattern of world food production should be introduced and trade policy measures should be implemented, in order to obtain a notable increase in agricultural production and the export earnings of developing countries. To achieve these objectives it is essential that developed countries and developing countries in a position to do so should substantially increase the volume of assistance to developing countries for agriculture and food production, and that developed countries should effectively facilitate access to their markets for food and agricultural products of export interest to developing countries, both in raw and processed form, and adopt adjustment measures where necessary.

PATENTS IN THE CONTEXT OF THE EUROPEAN ECONOMIC COMMUNITY

A Convention for the European Patent for the Common Market was signed on December 15, 1975 at Luxembourg. This is the Community Patent Convention. Its text is published in *International Legal Materials*, Volume XV, Number 1, January 1976, pages 5-30, and the implementing regulations appear on pages 31-37.

The approval of this Convention represents the culmination of efforts by the European Economic Community during several years. Patent lawyers and government experts and other persons specially interested in the development of industrial property should welcome the adoption of this new and very significant instrument.

The Convention creates a Community patent system. In the preamble it is expressed that one of the fundamental objectives of the Treaty establishing the European Economic Community is the abolition of obstacles to the free movement of goods, and that one of the most suitable means of ensuring this objective will be achieved, as regards the free movement of goods protected by patents, is the creation of a Community patent system.

The Convention contains 103 articles divided into the following main parts and chapters: Part I. General and institutional provisions: General provisions, special departments of the European Patent Office, the Select Committee of the Administrative Council. Part II. Substantive Patent Law: Right to the Community patent, effects of the Community patent and the European patent application, national rights, the Community patent as an object of property, compulsory licences in respect of a Community patent. Part III. Renewal, lapse, limitation and revocation of the Community patent: renewal and lapse, limitation procedure, revocation procedure. Part IV. Appeals procedure. Part V. Common provisions. Part VI. Jurisdiction and procedure in actions relating to Community patents. Part VII. Impact on national law. Part VIII. Transitional provisions. Part IX. Final provisions.

Article I of the Convention establishes a system of law, common to the Contracting States, concerning patents for invention. It provides also that the common system of law shall govern the European patents granted for the Contracting States in accordance with the Convention on the grant of European patents, hereinafter referred to as the European Patent Convention, and the European patent application in which such States are designated. (The European Patent Convention was signed on October 5, 1973.)

THIRD MINISTERIAL MEETING OF THE GROUP OF 77

The Third Ministerial Meeting of the Group of 77 was held in Manila from January 26 to February 7, 1976. This meeting approved, besides some resolutions, the Manila Declaration and Program of Action, published as Document TD/195 of the fourth session of UNCTAD to be held in Nairobi, May 1976.

In this document, the Ministers of the Group of 77 declared their firm conviction to make full use of the bargaining power of the developing countries, through joint and united action in the formulation of unified and clearly defined positions, with a view to achieving certain objectives in the various fields of international economic cooperation.

Following are some of these objectives:

- a) To restructure international trade in commodities so that it offers a viable solution to the problems concerning commodities, to raise

and maintain the value of the exports and the export earnings of the developing countries, increasing processing and improving the terms of trade of those countries.

- b) To reshape the structure of world industrial production and trade to ensure substantial increase in the share of the developing countries in world exports of manufacture and semi-manufacture in accordance with the goals set forth in the Lima Declaration and Plan of Action on Industrial Development and Cooperation.
- c) To take immediate steps by developed countries and international organizations to alleviate the increasing debt problems of developing countries and to expand and improve short-term financing facilities to mitigate their balance-of-payment difficulties.
- d) To promote national technological progress through the acquisition, development, adaptation and dissemination of technology in accordance with the needs, interests and priorities of the developing countries, and to ensure the transfer of technology on international conditions consistent with those objectives, with a view to strengthening the technological capabilities of developing countries and thus reducing their dependency in this field.
- e) To ensure that the activities of transnational corporations operating in territories of developing countries are compatible with the objectives of national development, through the free exercise to promote international cooperation as an effective instrument for to promote international cooperation as an effective instrument for achieving that objective.
- f) To promote and foster a program of economic cooperation among developing countries through suitable permanent machinery for strengthening their mutual cooperation and making possible the adoption of concrete measures on the various fields of their economic relations.
- g) To strengthen the negotiation function of UNCTAD so that it could evolve into an effective negotiation arm of the United Nations in the fields of trade and development.

The Program of Action contained in the same document is divided into the following main sections and chapters: Commodities: Action on commodities, including decisions on an integrated program in the light of the need for change in the world commodity economy; international measures of the program; negotiating plan of the program. Manufactures

and semi-manufactures: restrictive business practices; transnational corporations and the expansion of exports of manufactures by developing countries; export and industrial financing; international cooperation for industrial restructuring. Multilateral trade negotiations. Money and finance and the transfer of real resources for development: Measures to be taken by developed countries and international organizations to resolve and alleviate the critical debt problems of developing countries; official debts; commercial debts; measures to increase net capital flows to developing countries to meet their long-term external financing needs; flows from multilateral development finance institutions; access to capital markets in developed countries; the interdependence of problems of international financial, monetary and trade systems; the balance of payment adjustment process. Transfer of technology: Action to strengthen the technological capacity of developing countries; action by the developing countries; cooperation among the developing countries and from the developed countries; action by international organizations; decisions on a code of conduct for the transfer of technology and a decision on the modalities for its establishment; actions to be undertaken by UNCTAD with respect to the economic, commercial and development aspects of the international patent system in the context of the ongoing revision of that system. Also covered: Least developed among the developing countries, developing island countries, and development of land-locked countries. Economic cooperation among developing countries. Trade relations among countries having different economic and social systems. Review of institutional arrangements in UNCTAD.

In the chapter dealing with transnational corporations and the expansion of exports of manufactures by developing countries, it is indicated that agreement should be reached on certain points, such as: Measures to be taken at national, regional and international levels in order to ensure that transnational corporations reorient their activities towards more complete manufacturing in developing countries and towards the further processing therein of raw materials for both the domestic and foreign markets; measures to strengthen the participation of national enterprises of developing countries in the activities undertaken by transnational corporations in their territories.

Under the chapter on the transfer of technology, it is expressed that decisions should be reached at UNCTAD IV for strengthening the technological capacity of developing countries and thereby reducing their technological dependence. The developing countries should give consideration, at the national level, to:

- a) Formulation of a technology plan, as an integral part of their national development plans, as well as the coordination of policies in a number of interrelated areas, including licensing arrangements, transfer, development and adaptation of technology, industrial property laws and practices, foreign investments, research and development;
- b) Establishment of appropriate institutional machinery, including national centers for development and transfer of technology with urgent attention being paid to defining the role and functions of such centers, including the principal linkages which need to be established with other national bodies or institutions;
- c) Elaboration of all necessary measures to ensure optimum utilization of their qualified manpower resources.