

## Chapter II

**Legal aspects of international political relations**

In 1994, the United Nations continued to deal with legal aspects of international political and state relations.

The International Law Commission (ILC) completed work on a draft statute for an international criminal court and draft articles on the law of the non-navigational uses of international watercourses. It also considered, among other matters, the draft Code of Crimes against the Peace and Security of Mankind; draft articles on international liability for injurious consequences arising out of acts not prohibited by international law; the law and practice relating to reservations to treaties; and State succession and its impact on the nationality of natural and legal persons.

The Sixth (Legal) Committee made progress on the draft articles on the convention on jurisdictional immunities of States and their property. In December, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel (resolution 49/59) and a Declaration on Measures to Eliminate International Terrorism (49/60).

**International Law Commission**

The International Law Commission (ILC), at its forty-sixth session (Geneva, 2 May-22 July 1994),<sup>(1)</sup> continued work on the progressive development and codification of international law; it held 50 public meetings.

At its 1994 session, ILC completed work on a draft statute for an international criminal court and the draft articles on the law of the non-navigational uses of international watercourses. It also considered the draft Code of Crimes against the Peace and Security of Mankind; international liability for injurious consequences arising out of acts not prohibited by international law and State responsibility for wrongful acts. The Commission expressed its intention to undertake work on two new topics: the law and practice relating to reservations to treaties and State succession and its impact on the nationality of natural and legal persons. ILC continued to cooperate with the Asian-African Legal Consultative Committee, the European Committee on Legal Cooperation and the Inter-American Juridical Committee.

In accordance with a General Assembly request (**resolution 49/51**), the Secretariat prepared for ILC's attention a topical summary of the Assembly's Sixth (Legal) Committee discussion in 1994<sup>(2)</sup> on ILC's report for that year.

The thirtieth session of the International Law Seminar for postgraduate students and young professors or government officials dealing with international law was held (Geneva, 24 May-10 June) during the ILC session, with 24 participants of different nationalities, mostly from developing countries. The participants attended ILC meetings and lectures specifically organized for them. Austria, Denmark, Finland, France, Germany, Iceland, Norway, Slovenia and Switzerland made voluntary financial contributions, thus making it possible to award 14 full and 2 partial fellowships. Since the first seminar in 1964, fellowships had been awarded to 359 of the 667 participants representing 152 nationalities.

**GENERAL ASSEMBLY ACTION**

On 9 December, the General Assembly, on the recommendation of the Sixth (Legal) Committee, adopted **resolution 49/51** without vote.

**Report of the International Law Commission on the work of its forty-sixth session**

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-sixth session,

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recognizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-sixth session;

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session, in particular for the completion of a draft statute for an international criminal court and the adoption of final draft articles on the law of the non-navigational uses of international watercourses;

3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Notes the intentions of the International Law Commission for the programme of work for the remainder of the current term of office of its members, and urges the Commission to resume, at its forty-seventh session, the work on the draft Code of Crimes against the Peace and Security of Mankind and on State responsibility in such a manner that the second reading of the draft articles of the Code and the first reading of the draft articles on State responsibility may be completed before the end of the present term of office of the members of the Commission;

5. Requests the Secretary-General to update the survey of State practice relevant to international liability for injurious consequences arising out of acts not prohibited by international law, prepared by the Secretariat in 1984, as a useful contribution to the ongoing work of the Commission on the topic;

6. Endorses the intention of the International Law Commission to undertake work on the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on nationality of natural and legal persons", on the understanding that the final form to be given to the work on these topics shall be decided after a preliminary study is presented to the General Assembly, and, in connection with the latter topic, requests the Secretary-General to invite Governments to submit, by 1 March 1995, relevant materials including national legislation, decisions of national tribunals and diplomatic and official correspondence relevant to the topic;

7. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

8. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, *inter alia*, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

9. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in its report, and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

10. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

11. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars, from within existing resources, with adequate services, including interpretation, as required;

12. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-ninth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

13. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

14. Also recommends that the debate on the report of the International Law Commission at the fiftieth session of the General Assembly commence on 23 October 1995.

General Assembly resolution 49/51

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/738) without vote, 29 November (meeting 41); draft by Chairman (A/C.6/49/L.22); agenda item 137.

Meeting numbers. GA 49th session: 6th Committee 16-28, 40, 41; plenary 84.

### **Draft Code of Crimes against the Peace and Security of Mankind**

In response to a 1993 General Assembly request,<sup>(3)</sup> ILC began the second reading of the draft Code of Crimes against the Peace and Security of Mankind. The draft Code, originally prepared by ILC in 1954<sup>(4)</sup> and subsequently adopted by ILC

on first reading in 1991,<sup>(5)</sup> defined offences that were crimes under international law and for which the responsible individual was to be punished.

At its 1994 session, the Commission had before it the twelfth report<sup>(6)</sup> on the draft Code, submitted by the Special Rapporteur Doudou Thiam (Senegal), for its second reading. The report dealt with definition (article 1), characterization (article 2) and general principles (articles 3-15) of the Code.

In June,<sup>(1)</sup> the Commission referred the draft articles, as dealt with in the twelfth report, to the ILC Drafting Committee.

### International criminal jurisdiction

In response to a 1993 General Assembly request,<sup>(3)</sup> the Commission considered the question of an international criminal jurisdiction within the framework of the draft Code of Crimes against the Peace and Security of Mankind. As requested by the Assembly in 1993,<sup>(3)</sup> the Commission received in 1994 the comments of 29 Governments<sup>(7)</sup> on the draft articles proposed in 1993 by the Working Group on a draft statute for an international criminal court.<sup>(8)</sup>

In May,<sup>(1)</sup> the Commission re-established a Working Group on a draft statute for an international criminal court, which met between 10 May and 14 July. The Working Group re-examined the preliminary draft statute, bearing in mind the need to streamline and simplify the articles concerning the jurisdiction of the court, while better determining the extent of its jurisdiction; the fact that the court's system should be conceived as complementary with national systems which functioned on the basis of existing mechanisms for international cooperation and judicial assistance; and the need for coordinating the common articles found in the draft statute for an international criminal court and in the draft Code of Crimes against the Peace and Security of Mankind.

In July,<sup>(1)</sup> the Commission adopted a revised 60-article draft statute for an international criminal court with commentaries thereto, prepared by the Working Group. The draft statute was divided into eight main parts. Part 1 concerned the establishment of the court; Part 2, its composition and administration; Part 3, its jurisdiction; Part 4, investigation and prosecution; Part 5, the trial; Part 6, appeal and review; Part 7, international cooperation and judicial assistance; and Part 8, enforcement. The Commission recommended that the Assembly convene an international conference of plenipotentiaries to study the draft statute and to conclude a convention on the establishment of an international criminal court. On 1 September,<sup>(9)</sup> the Secretary-General transmitted to the Assembly the draft statute and the commentaries thereto.

### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/53** without vote.

#### Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court, with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Noting that the International Law Commission adopted a draft statute for an international criminal court at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Expressing deep appreciation to the Government of Italy for its offer to host a conference on the establishment of an international criminal court,

1. Welcomes the report of the International Law Commission on the work of its forty-sixth session, including the recommendations contained therein;

2. Decides to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries;

3. Also decides that the Ad Hoc Committee will meet from 3 to 13 April 1995 and, if it so decides, from 14 to 25 August 1995, and submit its report to the General Assembly at the beginning of its fiftieth session, and requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

4. Invites States to submit to the Secretary-General, before 15 March 1995, written comments on the draft statute for an international criminal court, and requests the Secretary-General to invite such comments from relevant international organs;

5. Requests the Secretary-General to submit to the Ad Hoc Committee a preliminary report with provisional estimates of the staffing, structure and costs of the establishment and operation of an international criminal court;

6. Decides to include in the provisional agenda of its fiftieth session an item entitled "Establishment of an international criminal court", in order to study the report of the Ad Hoc Committee and the written comments submitted by States and to decide on the convening of an international conference of plenipotentiaries to conclude a convention on the establishment of an international criminal court, including on the timing and duration of the conference.

General Assembly resolution 49/53

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/738) without vote, 29 November (meeting 41); draft by France (A/C.6/49/L.24); agenda item 137.

Meeting numbers. GA 49th session: 6th Committee 16-28, 40, 41; plenary 84.

In the Sixth Committee, Ghana introduced amendments<sup>(10)</sup> to the text of the draft resolution. Norway, on behalf of the Nordic countries, proposed a no-action motion on the amendments that was adopted by a recorded vote of 58 to 29, with 36 abstentions. France and India spoke in favour of the motion and Ghana and Nigeria spoke against it.

### International liability

Draft articles on international liability for injurious consequences arising out of acts not prohibited by international law continued to be considered by the Commission in 1994 on the basis of the tenth report<sup>(11)</sup> of its Special Rapporteur, Julio Barboza (Argentina). The Special Rapporteur proposed draft texts for articles dealing with prevention *ex post* measures to be adopted after an incident occurred, to reduce or control its transboundary effects, as well as with State liability and civil liability. On 10 June,<sup>(1)</sup> the Commission decided to consider the report at its next session.

In meetings held between 8 and 13 July, the Commission considered and provisionally adopted articles on the scope of the present articles (article 1); the use of terms (paragraphs (a), (b) and (c) of article 2); prior authorization (11); risk assessment (12); unauthorized activities (13); measures to prevent or minimize the risk (14); non-transference of risk (14 bis [20 bis]); notification and information (15); exchange of information (16); information to the public (16 bis); national security and industrial secrets (17); consultations on preventive measures (18); rights of the State likely to be affected (19); and factors involved in an equitable balance of interests (20). The articles were referred to the Commission by its Drafting Committee in 1993<sup>(8)</sup> and 1994.

### State responsibility for wrongful acts

In 1994, the Commission continued to consider draft articles on State responsibility for wrongful acts based on the sixth report dealing with the subject,<sup>(12)</sup> submitted by Special Rapporteur Gaetano Arangio-Ruiz (Italy). It also considered the Special Rapporteur's fifth report submitted in 1993.<sup>(8)</sup>

The Special Rapporteur reappraised the solutions thus far envisaged for pre-countermeasures dispute settlement provisions (article 12 of Part Two of the draft articles) and discussed the consequences of State crimes, as defined in article 19

of Part One of the draft articles on the basis of his 1993 report.<sup>(8)</sup> He made proposals for the texts of articles 11 (countermeasures by an injured State) and 12 (conditions relating to resort to countermeasures) of Part Two of the draft articles.

The Commission referred the proposed reformulations of articles 11 and 12 to the Drafting Committee and instructed it to examine the possibility of modifying, in the light of the proposals, articles 11 and 12 as adopted by the Committee in 1993,<sup>(8)</sup> on the understanding that if it proved impossible, articles 11 and 12 as previously adopted by the Committee would be reverted to and form the basis of the action to be taken by the Commission. Subsequently, the Chairman of the Drafting Committee introduced a revised version of article 11 and informed the Commission that it had not been possible to modify article 12 as adopted in 1993. After examining the recommendations of the Drafting Committee, the Commission adopted provisionally articles 11 (countermeasures by an injured State), 13 (proportionality) and 14 (prohibited countermeasures) for inclusion in Part Two of the draft articles and deferred taking action on article 12. It was agreed that article 11 might have to be reviewed in the light of the text that would eventually be adopted for article 12. Pending adoption of article 12 and the submission of the relevant commentaries, the Commission decided not to formally submit articles on countermeasures to the General Assembly. It expected to submit a complete set of articles on the question to the Assembly in 1995.

### Non-navigational uses of international watercourses

Draft articles on the law of the non-navigational uses of international watercourses again were considered by ILC. Following the adoption in 1993 of articles 1 to 6 and 8 to 10,<sup>(13)</sup> the Special Rapporteur on the topic, Robert Rosenstock (United States), in his second report on the subject,<sup>(14)</sup> recommended deleting the phrase "flowing into a common terminus" from article 2; amending the text of the draft articles to include "unrelated" confined groundwaters or aquifers; including a new paragraph (b) in article 16 to limit the harm to a notifying State resulting exclusively from the failure of the notified State to respond to notification; adding the word "energy" in article 21, paragraph 3; and including a new article 33 dealing with dispute settlement. The Commission referred the draft articles, as redrafted by the Special Rapporteur, to its Drafting Committee.

Following action by the Drafting Committee, the Commission adopted the final text of a set of 33 draft articles and a resolution on confined trans-

boundary groundwater. The draft articles dealt with the scope of the present articles (article 1); use of terms (article 2); watercourse agreements (article 3); parties to watercourse agreements (article 4); equitable and reasonable utilization and participation (article 5); factors relevant to equitable and reasonable utilization (article 6); obligation not to cause significant harm (article 7); general obligation to cooperate (article 8); regular exchange of data and information (article 9); relationship between different kinds of uses (article 10); information concerning planned measures (article 11); notification concerning planned measures with possible adverse effects (article 12); period for reply to notification (article 13); obligations of the notifying State during the period for reply (article 14); reply to notification (article 15); absence of reply to notification (article 16); consultations and negotiations concerning planned measures (article 17); procedures in the absence of notification (article 18); urgent implementation of planned measures (article 19); protection and preservation of ecosystems (article 20); prevention, reduction and control of pollution (article 21); introduction of alien or new species (article 22); protection and preservation of the marine environment (article 23); management (article 24); regulation (article 25); installations (article 26); prevention and mitigation of harmful conditions (article 27); emergency situations (article 28); international watercourses and installations in time of armed conflict (article 29); indirect procedures (article 30); data and information vital to national defence or security (article 31); non-discrimination (article 32); and settlement of disputes (article 33).

The resolution on confined transboundary groundwater recommended that States consider entering into agreements with the other State or States in which the groundwater was located and that in the event of any dispute involving transboundary confined groundwater, the States concerned should consider resolving the dispute in accordance with the provisions contained in article 33 of the draft articles, or in another manner they might agree on. The Commission recommended the draft articles and resolution on confined transboundary groundwater to the General Assembly. It also recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles.

On 1 September,<sup>(9)</sup> the Secretary-General transmitted the draft articles to the General Assembly.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/52** by recorded vote.

#### Draft articles on the law of the non-navigational uses of international watercourses

The General Assembly,

Having considered chapter III of the report of the International Law Commission on the work of its forty-sixth session, which contains final draft articles of and commentaries on the law of the non-navigational uses of international watercourses,

Noting that the International Law Commission decided to recommend the draft articles to the General Assembly and recommended the elaboration of a convention by the Assembly or by an international conference of plenipotentiaries on the basis of the draft articles,

Mindful of Article 13, paragraph 1 (a), of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Believing that successful codification and progressive development of the rules of international law governing the non-navigational uses of international watercourses would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

Taking into account the existence of bilateral or multilateral agreements governing the non-navigational uses of international watercourses, which should not be affected by the adoption of a new international instrument unless the parties to those agreements have otherwise decided,

Also taking into account the fact that, despite the existence of a number of bilateral treaties and regional agreements, the use of international watercourses is still based in part on general principles and rules of customary law,

1. Expresses its appreciation to the International Law Commission for its valuable work on the law of the non-navigational uses of international watercourses, and to the successive special rapporteurs for their contribution to that work;

2. Invites States to submit, not later than 1 July 1996, written comments and observations on the draft articles adopted by the International Law Commission;

3. Decides that, at the beginning of the fifty-first session of the General Assembly, the Sixth Committee shall convene as a working group of the whole, open to States Members of the United Nations or members of specialized agencies, for three weeks from 7 to 25 October 1996, to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session;

4. Also decides that the Working Group of the Whole shall, without prejudice to the rules of procedure of the General Assembly, follow the methods of work and procedures outlined in the annex to the present resolution, subject to any modifications which it may deem appropriate;

5. Requests the Secretary-General to arrange for the presence of the Special Rapporteur on the law of the non-navigational uses of international watercourses as an expert during the debates on the topic at its fifty-first session and to submit at that session all relevant documentation;

6. Further decides to include in the provisional agenda of its fifty-first session an item entitled "Convention on the law of the non-navigational uses of international watercourses".

## ANNEX

### Methods of work and procedures

The draft articles prepared by the International Law Commission shall be the basic proposal before the Working Group of the Whole.

The Working Group of the Whole shall start at once with a discussion of the draft articles on an article-by-article basis, without prejudice to the possibility of simultaneously considering closely connected articles, the decisions on article 2 entitled "Use of terms" being reserved for the concluding stages of the work.

The Working Group of the Whole shall establish a drafting committee.

Once considered by the Working Group of the Whole, each article or group of articles shall be referred to the drafting committee for examination in the light of the discussion.

The drafting committee shall make recommendations to the Working Group of the Whole in relation to each article or group of articles. It shall also prepare and present to the Working Group of the Whole, for its approval, a draft preamble and a set of final clauses.

The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

### General Assembly resolution 49/52

9 December 1994 Meeting 84 143-0-8 (recorded vote)

Approved by Sixth Committee (A/49/738) without vote, 29 November (meeting 41); draft by Chairman (A/C.6/49/L.27/Rev.1); agenda item 137.

Meeting numbers. GA 49th session: 6th Committee 16-28, 40, 41; plenary 84.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Benin, India, Iran, Lesotho, Niger, Qatar,\* Sudan, Swaziland.  
\* Later advised the Secretariat it had intended to vote in favour.

In the Sixth Committee, before adopting the text as a whole, the fifth preambular paragraph was adopted by a recorded vote of 93 to 2, with

20 abstentions. The Committee then adopted the text as a whole, without vote.

## REFERENCES

(<sup>1</sup>)A/49/10. (2)A/CN.4/464 & Add.1.2. (<sup>3</sup>)YUN 1993, p. 1143, GA res. 48/31, 9 Dec. 1993. (<sup>4</sup>)YUN 1954, p. 408. (<sup>5</sup>)YUN 1991, p. 823. (6)A/CN.4/460 & Corr.1. (<sup>7</sup>)A/CN.4/458 & Add.1-8. (8)YUN 1993, p. 1142. (<sup>9</sup>)A/49/355. (<sup>10</sup>)A/C.6/49/L.26. (<sup>11</sup>)A/CN.4/459. (<sup>12</sup>)A/CN.4/461 & Add.1,2 & Add.2/Corr.1 & Add.3. (<sup>13</sup>)YUN 1993, p. 1143. (<sup>14</sup>)A/CN.4/462 & Corr.1.

## International State relations and international law

### Safety and security of United Nations and associated personnel

The Ad Hoc Committee on the Elaboration of an International Convention Dealing with the Safety and Security of United Nations and Associated Personnel, established by the General Assembly in 1993,<sup>(1)</sup> held two sessions in 1994 (New York, 28 March-8 April and 1-12 August).<sup>(2)</sup> The Committee had before it a March note by the Secretary-General,<sup>(3)</sup> containing his comments and suggestions on the safety and security of United Nations personnel, the elaboration of an international convention on the subject and responsibility for attacks on United Nations and associated personnel.

The Ad Hoc Committee drew up a revised negotiating text. The Chairman of the Committee noted that certain important differences had not yet been bridged, particularly regarding the nature of the operations and the categories of personnel to be covered by the convention. In accordance with a 1993 Assembly request,<sup>(4)</sup> the Committee recommended that the Assembly re-establish a working group under the Sixth Committee to continue consideration of the text and proposals relating to it. The Working Group was first established in 1993.<sup>(5)</sup>

On 26 September, the Sixth Committee re-established the Working Group, which reviewed the text from 3 to 14 October. The Chairman of the Working Group, on 8 November, introduced in the Sixth Committee the report of the Working Group containing the text of a draft convention.<sup>(6)</sup> On 9 December, the Assembly adopted the Convention on the Safety of United Nations and Associated Personnel (below), to be open for signature in New York from 15 December 1994 until 31 December 1995. As at 31 December 1994,<sup>(7)</sup> there were 15 signatories to the Convention.

### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/59** without vote.

**Convention on the Safety of United Nations and Associated Personnel**

The General Assembly,

Considering that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Gravely concerned at the increasing number of attacks on United Nations and associated personnel that have caused death or serious injury,

Bearing in mind that United Nations operations may be conducted in situations that entail risk to the safety of United Nations and associated personnel,

Recognizing the need to strengthen and to keep under review arrangements for the protection of United Nations and associated personnel,

Recalling its resolution 48/37 of 9 December 1993, by which it established the Ad Hoc Committee on the Elaboration of an International Convention Dealing with the Safety and Security of United Nations and Associated Personnel, with particular reference to responsibility for attacks on such personnel,

Taking into account the report of the Ad Hoc Committee, in particular the revised negotiating text resulting from the work of the Ad Hoc Committee,

Recalling its decision, in accordance with the recommendation of the Ad Hoc Committee, to re-establish, at its current session, a working group within the framework of the Sixth Committee to continue consideration of the revised negotiating text and of proposals relating thereto,

Having considered the text of the draft convention prepared by the working group and submitted to the Sixth Committee for consideration with a view to its adoption,

1. Adopts and opens for signature and ratification, acceptance or approval, or for accession, the Convention on the Safety of United Nations and Associated Personnel, the text of which is annexed to the present resolution;

2. Urges States to take all appropriate measures to ensure the safety and security of United Nations and associated personnel within their territory;

3. Recommends that the safety and security of United Nations and associated personnel be kept under continuing review by all relevant bodies of the Organization;

4. Underlines the importance it attaches to the speedy conclusion of a comprehensive review of arrangements for compensation for death, disability, injury or illness attributable to peace-keeping service, with a view to developing equitable and appropriate arrangements and to ensuring expeditious reimbursement.

ANNEX

**Convention on the Safety of United Nations and Associated Personnel**

The States Parties to this Convention,

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

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

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

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

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

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

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

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

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

Have agreed as follows:

Article 1  
Definitions

For the purposes of this Convention:

(a) "United Nations personnel" means:

- (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
- (ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

- (i) Persons assigned by a Government or an inter-governmental organization with the agreement of the competent organ of the United Nations;
- (ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;
- (iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency, to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

- (i) Where the operation is for the purpose of maintaining or restoring international peace and security; or
- (ii) Where the Security Council or the General Assembly has declared, for the purposes of this Con-

vention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

#### Article 2

##### Scope of application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

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

#### Article 3

##### Identification

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

2. All United Nations and associated personnel shall carry appropriate identification documents.

#### Article 4

##### Agreements on the status of the operation

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

#### Article 5

##### Transit

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

#### Article 6

##### Respect for laws and regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

(a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

#### Article 7

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

1. United Nations and associated personnel, their equipment and premises shall not be made the object

of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

#### Article 8

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

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

#### Article 9

##### Crimes against United Nations and associated personnel

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack, shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

#### Article 10

##### Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

- (b) With respect to a national of that State; or
- (c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

#### Article 11

##### Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

- (a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and
- (b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

#### Article 12

##### Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

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

#### Article 13

##### Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

- (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;

- (c) The State or States of which the victim is a national; and
- (d) Other interested States.

#### Article 14

##### Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

#### Article 15

##### Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

#### Article 16

##### Mutual assistance in criminal matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

#### Article 17

##### Fair treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

- (a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a state-

less person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

#### Article 18

##### Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

#### Article 19

##### Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

#### Article 20

##### Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

#### Article 21

##### Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

#### Article 22

##### Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw

that reservation by notification to the Secretary-General of the United Nations.

#### Article 23

##### Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

#### Article 24

##### Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

#### Article 25

##### Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

#### Article 26

##### Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 27

##### Entry into force

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

#### Article 28

##### Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

#### Article 29

##### Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

#### General Assembly resolution 49/59

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/742) without vote, 16 November (meeting 35); 42-nation draft (A/C.6/49/L.9); agenda item 141.

Sponsors: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Denmark, El Salvador, Fiji, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Jordan, Kenya, Kyrgyzstan, Liechtenstein, Malaysia, Namibia, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rus-

sian Federation, Samoa, Singapore, Slovakia, Sweden, Trinidad and Tobago, Ukraine, United States.  
Meeting numbers. GA 49th session: 6th Committee 29-32, 34, 35; plenary 84.

## Terrorism

By letters dated 26 July 1994,<sup>(7)</sup> Israel drew the attention of the Secretary-General and the Security Council President to a terrorist bombing of the Argentine Jewish community's office in Buenos Aires on 18 July, which as at 26 July had killed 80 people and injured 230. Israel claimed that investigations into prior similar terrorist attacks in Buenos Aires pointed to involvement by Iran. On 27 July,<sup>(8)</sup> Iran replied that it had been in close contact with officials of Argentina's Foreign Ministry and had offered cooperation and assistance in the investigation. On the same date,<sup>(9)</sup> Argentina condemned the attack and stated that it deemed it necessary for the Security Council to study ways to react appropriately to international terrorism. Argentina, on 8 August,<sup>(10)</sup> made proposals for United Nations action to combat terrorism.

On 26 and 27 July, there were terrorist attacks on the Israeli Embassy in London, which resulted in deaths and injuries.

### SECURITY COUNCIL ACTION

On 29 July, the President of the Security Council made the following statement<sup>(11)</sup> on behalf of the Council:

"The members of the Security Council recall the statement issued on the occasion of the Security Council Summit of 31 January 1992, expressing deep concern over acts of international terrorism, and emphasizing the need for the international community to deal effectively with all such acts.

"The members of the Security Council strongly condemn the terrorist attack which took place in Buenos Aires, Argentina on 18 July 1994, which resulted in great loss of human life.

"The members of the Security Council express their sympathy and condolences to the victims and their families and to the people and Government of Argentina, who have suffered the consequences of this terrorist act.

"The members of the Security Council also strongly condemn the terrorist attacks in London on 26 and 27 July 1994, and express their sympathy to the victims and their families, and to the people and Government of the United Kingdom.

"The members of the Security Council demand an immediate end to all such terrorist attacks. They stress the need to strengthen international cooperation in order to take full and effective measures to prevent, combat and eliminate all forms of terrorism, which affect the international community as a whole."

## Measures to eliminate terrorism

**Report of the Secretary-General.** In accordance with a 1993 General Assembly request,<sup>(12)</sup> the Secretary-General submitted a July report with

later addenda,<sup>(13)</sup> containing information received from 21 States on practical measures for eliminating acts of terrorism, ways of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism and on ways to consider the question within the Sixth Committee. The report also contained information on the state, as at 20 June 1994, of signatures and ratifications of, accessions to or successions to, international conventions relating to various aspects of international terrorism, among them the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents<sup>(14)</sup> and the 1979 International Convention against the Taking of Hostages.<sup>(15)</sup>

On 19 October,<sup>(16)</sup> the Sixth Committee decided that its Rapporteur Silvia A. Fernandez de Gurmendi (Argentina) would chair informal consultations to elaborate a draft declaration on measures to eliminate terrorism.

### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/60** without vote.

#### Measures to eliminate international terrorism

The General Assembly,

Recalling its resolution 46/51 of 9 December 1991 and its decision 48/411 of 9 December 1993,

Taking note of the report of the Secretary-General,

Having considered in depth the question of measures to eliminate international terrorism,

Convinced that the adoption of the declaration on measures to eliminate international terrorism should contribute to the enhancement of the struggle against international terrorism,

1. Approves the Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

2. Invites the Secretary-General to inform all States, the Security Council, the International Court of Justice and the relevant specialized agencies, organizations and organisms of the adoption of the Declaration;

3. Urges that every effort be made in order that the Declaration becomes generally known and is observed and implemented in full;

4. Urges States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to eliminate terrorism;

5. Invites the Secretary-General to follow up closely the implementation of the present resolution and the Declaration and to submit to the General Assembly at its fiftieth session a report thereon, relating, in particular, to the modalities of implementation of paragraph 10 of the Declaration;

6. Decides to include in the provisional agenda of its fiftieth session the item entitled "Measures to eliminate international terrorism", in order to examine the report of the Secretary-General requested in paragraph 5 above, without prejudice to the annual or biennial consideration of the item.

ANNEX  
**Declaration on Measures to Eliminate  
 International Terrorism**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, the Definition of Aggression, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

Deeply concerned by the increase, in many regions of the world, of acts of terrorism based on intolerance or extremism,

Concerned at the growing and dangerous links between terrorist groups and drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights,

Convinced of the desirability for closer coordination and cooperation among States in combating crimes closely connected with terrorism, including drug trafficking, unlawful arms trade, money laundering and smuggling of nuclear and other potentially deadly materials, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Firmly determined to eliminate international terrorism in all its forms and manifestations,

Convinced also that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is an essential element for the maintenance of international peace and security,

Convinced further that those responsible for acts of international terrorism must be brought to justice,

Stressing the imperative need further to strengthen international cooperation between States in order to take and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Conscious of the important role that might be played by the United Nations, the relevant specialized agencies and States in fostering widespread cooperation in preventing and combating international terrorism, inter alia, by increasing public awareness of the problem,

Recalling the existing international treaties relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Avia-

tion, concluded at Montreal on 23 September 1971, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991,

Welcoming the conclusion of regional agreements and mutually agreed declarations to combat and eliminate terrorism in all its forms and manifestations,

Convinced of the desirability of keeping under review the scope of existing international legal provisions to combat terrorism in all its forms and manifestations, with the aim of ensuring a comprehensive legal framework for the prevention and elimination of terrorism,

Solemnly declares the following:

I

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism, as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. Acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bases of society;

3. Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

II

4. States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, instigating, assisting or participating in terrorist acts in territories of other States, or from acquiescing in or encouraging activities within their territories directed towards the commission of such acts;

5. States must also fulfil their obligations under the Charter of the United Nations and other provisions of international law with respect to combating international terrorism and are urged to take effective and resolute

measures in accordance with the relevant provisions of international law and international standards of human rights for the speedy and final elimination of international terrorism, in particular:

(a) To refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of their national law;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis, and to prepare, to that effect, model agreements on cooperation;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

(f) To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in subparagraph (a) above;

6. In order to combat effectively the increase in, and the growing international character and effects of, acts of terrorism, States should enhance their cooperation in this area through, in particular, systematizing the exchange of information concerning the prevention and combating of terrorism, as well as by effective implementation of the relevant international conventions and conclusion of mutual judicial assistance and extradition agreements on a bilateral, regional and multilateral basis;

7. In this context, States are encouraged to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter;

8. Furthermore, States that have not yet done so are urged to consider, as a matter of priority, becoming parties to the international conventions and protocols relating to various aspects of international terrorism referred to in the preamble to the present Declaration;

### III

9. The United Nations, the relevant specialized agencies and intergovernmental organizations and other relevant bodies must make every effort with a view to promoting measures to combat and eliminate acts of terrorism and to strengthening their role in this field;

10. The Secretary-General should assist in the implementation of the present Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:

(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral

agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;

(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;

(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;

(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism;

### IV

11. All States are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects;

12. Emphasis is placed on the need to pursue efforts aiming at eliminating definitively all acts of terrorism by the strengthening of international cooperation and progressive development of international law and its codification, as well as by enhancement of coordination between, and increase of the efficiency of, the United Nations and the relevant specialized agencies, organizations and bodies.

General Assembly resolution 49/60

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/743) without vote, 23 November (meeting 39); draft by Chairman (A/C.6/49/L.17); agenda item 142.

Meeting numbers. GA 49th session: 6th Committee 12-15, 39; plenary 84.

### Jurisdictional immunities of States and their property

In accordance with a 1993 General Assembly decision,<sup>(17)</sup> the Sixth Committee held informal consultations on the draft articles of a convention on jurisdictional immunities of States and their property (27-30 September and 3 October),<sup>(18)</sup> which were adopted by ILC in 1991.<sup>(19)</sup> The consultations focused on identifying the main issues of substance and facilitating the conclusion of the convention through general agreement.

The Chairman of the consultations presented the conclusions he had drawn concerning the main issues of substance and a possible basis for achieving a compromise with respect to the concept of a State for purposes of immunity; criteria for determining the commercial character of a contract or transaction; the concept of a State enterprise or other State entity in relation to commercial transactions; contracts of employment; and measures of constraint against State property.

In November, the Sixth Committee considered the results of the consultations and ILC's 1991 recommendation that an international conference

of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject.<sup>(20)</sup> It subsequently adopted a resolution which it recommended to the General Assembly for adoption.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/61** without vote.

#### **Convention on jurisdictional immunities of States and their property**

The General Assembly,

Having received from the International Law Commission the set of draft articles on jurisdictional immunities of States and their property adopted by the Commission at its forty-third session,

Recalling that the International Law Commission recommended that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject,

Having considered the draft articles at its forty-sixth to forty-ninth sessions, including in a working group and in consultations aimed at considering the issues of substance arising out of the draft articles, with the purpose of identifying and attenuating the differences of views concerning such issues in order to facilitate the conclusion of a convention through general agreement,

Having considered also the reports of the Working Group established at its forty-seventh session and reconvened at its forty-eighth session and the report on the informal consultations held during its forty-ninth session,

1. Accepts the recommendation of the International Law Commission that an international conference of plenipotentiaries be convened to consider the articles on jurisdictional immunities of States and their property and to conclude a convention on the subject;

2. Invites States to submit to the Secretary-General their comments on the conclusions of the chairman of the informal consultations held pursuant to its decision 48/413 of 9 December 1993, and on the reports of the Working Group established under its resolution 46/55 of 9 December 1991 and reconvened pursuant to its decision 47/414 of 25 November 1992;

3. Decides to resume consideration, at its fifty-second session, of the issues of substance, in the light of the above-mentioned reports and the comments submitted by States thereon, and to determine, at its fifty-second or fifty-third session, the arrangements for the conference, including the date and place, due consideration being given to ensuring the widest possible agreement at the conference;

4. Also decides to include in the provisional agenda of its fifty-second session the item entitled "Convention on jurisdictional immunities of States and their property".

#### **General Assembly resolution 49/61**

**9 December 1994 Meeting 84 Adopted without vote**

Approved by Sixth Committee (A/49/744) without vote, 29 November (meeting 41); draft by Chairman (A/C.6/49/L.25); agenda item 143. Meeting numbers. GA 49th session: 6th Committee 32, 33, 37, 38, 40, 41; plenary 84.

The Sixth Committee considered three draft resolutions on the subject of the convention: on 17 November, a draft sponsored by Algeria, Bolivia, Brazil, the Dominican Republic, Ecuador, France, Nicaragua, Peru, the Russian Federation, Uruguay and Venezuela;<sup>(21)</sup> on 18 November, a draft sponsored by Australia, Austria, Canada, Germany, the Netherlands, the United Kingdom and the United States;<sup>(22)</sup> and a draft submitted by the Committee Chairman on 25 November.<sup>(23)</sup> The first two drafts were withdrawn in favour of the draft submitted by the Committee Chairman.

#### **Additional Protocols I and II to the 1949 Geneva Convention**

In a July report with later addendum,<sup>(24)</sup> the Secretary-General, as requested by the General Assembly in 1992,<sup>(25)</sup> provided information received from 12 Member States on the status of the two 1977 Protocols Additional to the Geneva Conventions of 12 August 1949 for the protection of war victims.<sup>(26)</sup> As at 30 June 1994, 135 States had ratified or acceded to Protocol I (on protection of victims of international armed conflicts); nine States—Colombia, Dominican Republic, Ethiopia, Georgia, Lesotho, Namibia, San Marino, the former Yugoslav Republic of Macedonia, Uzbekistan—had done so since the Secretary-General's report in 1993.<sup>(27)</sup> All of these parties, except 12, also adhered to Protocol II (on protection of victims of non-international conflicts). Two States adhered only to Protocol II.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/48** without vote.

#### **Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990 and 47/30 of 25 November 1992,

Having considered the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Noting with satisfaction that, pursuant to article 90 of Protocol I, the International Fact-Finding Commission has become operational,

Noting the fact that annex I of Protocol I has been revised,

Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and to disseminate knowledge of the two additional Protocols,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Notes, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited;

3. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

4. Calls upon all States which are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

5. Takes note of the declaration adopted at the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, reaffirming the necessity of preventive measures and of making the implementation of international humanitarian law more effective;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the status of the additional Protocols based on information received from Member States;

7. Decides to include in the provisional agenda of its fifty-first session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

#### General Assembly resolution 49/48

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/735) without vote, 23 November (meeting 39); 26-nation draft (A/C.6/49/L.19); agenda item 134.

Sponsors: Algeria, Australia, Austria, Bangladesh, Belarus, Belgium, Canada, Chile, Denmark, Egypt, Estonia, Finland, Germany, Hungary, Iceland, Latvia, Lithuania, Netherlands, New Zealand, Norway, Republic of Moldova, Romania, Russian Federation, Spain, Sweden, Ukraine.

Meeting numbers. GA 49th session: 6th Committee 6, 7, 39; plenary 84.

#### REFERENCES

- (<sup>1</sup>)YUN 1993, p. 1145, GA res. 48/37, 9 Dec. 1993. (<sup>2</sup>)A/49/22. (<sup>3</sup>)A/AC.242/1. (<sup>4</sup>)YUN 1993, p. 1145. (<sup>5</sup>)A/C.6/49/L.4. (6)Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1994 (ST/LEG/SER.E/13), Sales No. E.95.V.5. (7)A/49/279, S/1994/874. (<sup>8</sup>)S/1994/887. (<sup>9</sup>)A/49/284-S/1994/890. (<sup>10</sup>)A/49/303-S/1994/951. (<sup>11</sup>)S/PRST/1994/40. (<sup>12</sup>)YUN 1993, p. 1146, GA dec. 48/411, 9 Dec. 1993. (<sup>13</sup>)A/49/257 & Add.1-3. (<sup>14</sup>)YUN 1973, p. 775, GA res. 3166(XXVIII), annex, 14 Dec. 1973. (<sup>15</sup>)YUN 1979, p. 1144, GA res. 34/146, annex, 17 Dec. 1979. (<sup>16</sup>)A/49/743. (<sup>17</sup>)YUN 1993, p. 1146, GA dec. 48/413, 9 Dec. 1993. (<sup>18</sup>)A/C.6/49/L.2. (<sup>19</sup>)YUN 1991, p. 829. (<sup>20</sup>)Ibid., p. 830. (<sup>21</sup>)A/C.6/49/L.14. (<sup>22</sup>)A/C.6/49/L.20. (<sup>23</sup>)A/C.6/49/L.25. (<sup>24</sup>)A/49/255 & Corr.1 & Add.1. (<sup>25</sup>)YUN 1992, p. 991, GA res. 47/30, 25 Nov. 1992. (<sup>26</sup>)YUN 1977, p. 706. (<sup>27</sup>)YUN 1993, p. 963.

## Diplomatic relations

### Protection of diplomats

As at 31 December 1994,<sup>(1)</sup> the number of parties to the various international instruments relating to the protection of diplomats and diplomatic and consular relations was as follows: 174 States were parties to the 1961 Vienna Convention on Diplomatic Relations,<sup>(2)</sup> with Kazakhstan and Kyrgyzstan acceding in 1994; 48 States were parties to the Optional Protocol concerning the acquisition of nationality,<sup>(3)</sup> with Bosnia and Herzegovina succeeding in 1994; and 61 States were parties to the Optional Protocol concerning the compulsory settlement of disputes.<sup>(4)</sup>

The 1963 Vienna Convention on Consular Relations<sup>(5)</sup> had 152 parties, with Kazakhstan and Kyrgyzstan acceding in 1994; 36 States were parties to the Optional Protocol concerning the acquisition of nationality;<sup>(6)</sup> and 44 States were parties to the Optional Protocol concerning the compulsory settlement of disputes.<sup>(5)</sup>

The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents,<sup>(6)</sup> had 89 States parties, with Armenia, Liechtenstein and the Sudan acceding in 1994.

**Report of the Secretary-General.** As requested by the General Assembly in 1992,<sup>(7)</sup> the Secretary-General invited States to communicate their views on measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives, as provided for in a 1987 Assembly resolution.<sup>(8)</sup> In an August report with later addenda,<sup>(9)</sup> the Secretary-General presented the texts and an analytical summary of the information received. A total of 20 new reports of violations, as well as additional information on previous cases were reported by States during the period 1 August 1993 to 28 September 1994. In connection with six reported cases and in respect of which no information had been received within a reasonable period of time, the Secretary-General addressed reminders to those States. Two follow-up reports were received in response to the reminders. No views were received from States regarding the enhancement of diplomatic protection.

#### GENERAL ASSEMBLY ACTION

On 9 December, the General Assembly, on the recommendation of the Sixth Committee, adopted **resolution 49/49** without vote.

### Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the report of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Urges States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

5. Recommends that States should cooperate closely through, *inter alia*, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the ex-

change of information on the circumstances of all serious violations thereof;

6. Further urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;

8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

12. Decides to include in the provisional agenda of its fifty-first session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

General Assembly resolution 49/49

9 December 1994 Meeting 84 Adopted without vote

Approved by Sixth Committee (A/49/736) without vote, 23 November (meeting 39); 19-nation draft (A/C.6/49/L.23); agenda item 135.

Sponsors: Argentina, Austria, Canada, Chile, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Netherlands, Norway, Republic of Moldova, Romania, Russian Federation, Sweden, Turkey, Ukraine, Uruguay. Meeting numbers. GA 49th session: 6th Committee 6, 7, 39; plenary 84.

#### REFERENCES

- (<sup>1</sup>)Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1994 (ST/LEG/SER.E/13), Sales No. E.95.V.5.  
 (2)YUN 1961, p. 512. (<sup>3</sup>)Ibid., p. 516. (<sup>4</sup>)YUN 1963, p. 510.  
 (<sup>5</sup>)Ibid., p. 512. (<sup>6</sup>)YUN 1973, p. 775, GA res. 3166(XXVIII), annex, 14 Dec. 1973. (7)YUN 1992, p. 993, GA res. 47/31, 25 Nov. 1992. (<sup>8</sup>)YUN 1987, p. 1068, GA res. 42/154, 7 Dec. 1987. (<sup>9</sup>)A/49/295 & Add.1,2.

## Treaties and agreements

### Treaties involving international organizations

The 1986 Vienna Convention on the Law of Treaties between States and International Organi-

zations or between International Organizations<sup>(1)</sup> was acceded to in 1994 by Croatia and ratified by Denmark. Bosnia and Herzegovina succeeded the Socialist Federal Republic of Yugoslavia, which only had been a signatory. As at 31 December 1994,<sup>(2)</sup> 23 States were parties to the Convention, which had not yet entered into force.

### Registration and publication of treaties by the United Nations

During 1994, some 975 international agreements and 638 subsequent actions were received by the Secretariat for registration or filing and recording. In addition, there were 558 registrations or formalities concerning agreements for which the Secretary-General performed depositary functions.

The texts of international agreements registered or filed and recorded were published in the United Nations Treaty Series in the original languages, with translations into English and French where necessary. In 1994, the following volumes of the Treaty Series covering treaties registered or filed in 1981, 1982, 1983, 1984, 1985, 1986 and 1987 were issued:

1238, 1239, 1289, 1353, 1354, 1374, 1375, 1376, 1377, 1378, 1400, 1402, 1407, 1408, 1414, 1415, 1422, 1428, 1435, 1443, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454.

### Multilateral treaties

#### New multilateral treaties concluded under United Nations auspices

The following treaties, concluded under United Nations auspices, were deposited with the Secretary-General during 1994:<sup>(2)</sup>

Agreement to Establish the South Centre, opened for signature in Geneva on 1 September 1994

Convention on Customs Treatment of Pool Containers Used in International Transport, concluded in Geneva on 21 January 1994

Regulation No. 93 annexed to the 1958 Motor Vehicle Agreement: "Uniform provisions concerning the approval of:

- I. Front underrun protective devices (FUPDs)
- II. Vehicles with regard to the installation of an FUPD of an approved type
- III. Vehicles with regard to their front underrun protection (FUP)"

Regulation No. 94 annexed to the 1958 Motor Vehicle Agreement: "Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision"

Convention on the Safety of the United Nations and Associated Personnel, adopted by the General Assembly on 9 December 1994

International Tropical Timber Agreement, 1994, concluded in Geneva on 26 January 1994

International Coffee Agreement, 1994, adopted by the International Coffee Council on 30 March 1994

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by the General Assembly on 28 July 1994

Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Further Reduction of Sulphur Emissions, concluded in Oslo, Norway, on 14 June 1994

United Nations Convention to Combat Desertification in the Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, opened for signature in Paris on 14 October 1994

Lusaka Agreement of Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, opened for signature in Lusaka, Zambia, on 8 September 1994

#### Multilateral treaties deposited with the Secretary-General

The number of multilateral treaties for which the Secretary-General performed depositary functions stood at 448 at the end of 1994. During the year, 356 signatures were affixed to treaties for which the Secretary-General performed depositary functions and 835 instruments of ratification, accession, acceptance and approval or notification were transmitted to him. In addition, he received 271 communications from States expressing observations or declarations and reservations made at the time of signature, ratification or accession.

The following multilateral treaties in respect of which the Secretary-General acts as depositary came into force during 1994:<sup>(2)</sup>

Amendments to articles 24 and 25 of the Constitution of the World Health Organization, adopted by the thirty-ninth World Health Assembly on 12 May 1986

Regulation No. 93 annexed to the 1958 Motor Vehicle Agreement: Uniform provisions concerning the approval of:

- I. Front underrun protective devices (FUPDs)
  - II. Vehicles with regard to the installation of an FUPD of an approved type
  - III. Vehicles with regard to their front underrun protection (FUP)
- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), concluded in Geneva on 1 March 1973

Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC), concluded in Geneva on 1 April 1975

Statutes of the International Centre for Genetic Engineering and Biotechnology, concluded in Madrid on 13 September 1983

Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology, concluded in Vienna on 4 April 1984

Protocol of 1993 extending the International Agreement on Olive Oil and Table Olives, 1986, with amendments, concluded in Geneva on 10 March 1993

International Agreement on Olive Oil and Table Olives, 1986, as amended and extended, 1993, concluded in Geneva on 1 July 1986 as amended and extended by the Protocol of 1993, concluded in Geneva on 10 March 1993

International Cocoa Agreement, 1993, concluded in Geneva on 16 July 1993

International Coffee Agreement, 1994, adopted by the International Coffee Council on 30 March 1994

United Nations Convention on the Law of the Sea, concluded in Montego Bay, Jamaica, on 10 December 1982  
Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by the General Assembly on 28 July 1994  
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the Fourth Meeting of the Parties in Copenhagen, Denmark, on 25 November 1992

United Nations Framework Convention on Climate Change, concluded in New York on 9 May 1992

## REFERENCES

(<sup>1</sup>)YUN 1986, p. 1006. (<sup>2</sup>)Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1994 (ST/LEG/SER.E/13), Sales No. E.95.V.5.