

No. 27296

MULTILATERAL

**Terms of Reference of the International Nickel Study Group,
as adopted on 2 May 1986 by the United Nations Confer-
ence on Nickel, 1985**

Authentic texts: English, French, Russian, Spanish and Arabic.

Registered ex officio on 23 May 1990.

MULTILATÉRAL

**Statuts du Groupe d'étude international du nickel, adoptés le
2 mai 1986 par la Conférence des Nations Unies sur le
nickel, 1985**

Textes authentiques : anglais, français, russe, espagnol et arabe.

Enregistré d'office le 23 mai 1990.

**TERMS OF REFERENCE¹ OF THE INTERNATIONAL NICKEL
STUDY GROUP, AS ADOPTED ON 2 MAY 1986 BY THE UNITED
NATIONS CONFERENCE ON NICKEL, 1985**

Preamble

The parties to this arrangement have reached an understanding for the establishment of an International Nickel Study Group which will have the following Terms of Reference.

Establishment

1. The International Nickel Study Group is hereby established to administer the provisions and supervise the operation of the Terms of Reference.

Objectives

2. To ensure enhanced international co-operation on issues concerning Nickel, in particular by improving the information available on the international nickel economy and by providing a forum for intergovernmental consultations on Nickel.

Definitions

3. (a) "The Group" means the International Nickel Study Group as constituted in these Terms of Reference;

¹ Came into force in respect of the following twelve States listed below on 23 May 1990, the date on which the said States, which had made a notification of provisional or definitive application, decided to put these Terms of Reference into effect among themselves in whole, in accordance with paragraph 19 (b) thereof:

<i>State</i>	<i>Date of notification of provisional application (n) or definitive application (N)</i>
Australia*	12 March 1990 N
Canada*	20 September 1986 N
Cuba*	18 December 1989 n
Finland	12 September 1986 N
France	28 October 1986 n
Germany, Federal Republic of*	19 September 1986 n
Greece*	2 December 1986 n
Indonesia	2 May 1990 N
Japan	11 April 1990 N
Netherlands	19 September 1986 n
(For the Kingdom of Europe.)	
Norway	5 January 1988 N
Sweden	19 September 1986 N

* See p. 57 of this volume for the texts of declarations and reservations made upon or in connection with provisional or definitive application.

(b) "Nickel" shall include, inter alia, scraps, wastes, and/or residues and such nickel products as the Group may determine;

(c) "Members" means all States as provided for in paragraph 5 which have notified their acceptance pursuant to paragraph 19.

Functions

4. (a) To establish the capacity for and to undertake the continued monitoring of the world nickel economy and its trends, particularly by establishing, maintaining and continuously updating a statistical system on world production, stocks, trade and consumption of all forms of Nickel.

(b) To conduct between Members consultations and exchanges of information on developments related to the production, stocks, trade and consumption of all forms of Nickel.

(c) To undertake studies as appropriate on a broad range of important issues concerning Nickel, in accordance with the decisions of the Group.

(d) To consider special problems or difficulties which exist or may be expected to arise in the international nickel economy.

Membership

5. Membership of the Group shall be open to all States which are interested in the production or consumption of, or international trade in Nickel.

Powers of the Group

6. (a) The Group shall exercise such powers and perform or arrange for the performance of such functions as are necessary to carry out the provisions of the Terms of Reference.

(b) The Group is not a trading organization and shall not have power to enter into any trading contract for Nickel or any other commodity or product.

(c) The Group shall adopt such Rules of Procedure as are considered necessary to carry out its functions.

Headquarters

7. The Headquarters of the Group shall be at a location selected by it in the territory of a Member State. The Group shall negotiate a Headquarters Agreement with the host Government.

Decision-making

8. (a) The highest authority of the Group established under these Terms of Reference shall be vested in the General Session.

(b) The Group, the Standing Committee referred to in paragraph 9, and such committees and subsidiary bodies as may be established, shall normally take decisions by consensus. If a vote is called for, it shall be taken under the conditions set out in the Rules of Procedure.

Standing Committee

9. (a) The Group shall establish a Standing Committee which shall consist of those Members of the Group who have indicated their desire to participate in its work.

(b) The Standing Committee shall undertake such tasks as may be assigned to it by the Group and shall report to the Group on completion, or on progress, of its work.

Committees and Subsidiary Bodies

10. The Group may establish such committees or subsidiary bodies, in addition to the Standing Committee, on such terms and conditions as it may determine.

Secretariat

11. (a) The Group shall have a Secretariat consisting of a Secretary-General and such staff as may be required.

(b) The Secretary-General shall be the chief administrative officer of the Group and shall be responsible to it for the administration and operation of these Terms of Reference in accordance with the decisions of the Group.

Co-operation with others

12. (a) The Group may make arrangements for consultations or co-operation with the United Nations, its organs or specialized agencies, and with other intergovernmental institutions, as appropriate.

(b) The Group may also make arrangements for maintaining contact with interested non-participating Governments of the States referred to in paragraph 5, with other international non-governmental organizations, or with private sector institutions, as appropriate.

Legal status

13. (a) The Group shall have legal personality in its host country. It shall, in particular, have the capacity to enter into contracts, to acquire and to dispose of movable and immovable property, and to institute legal proceedings.

(b) The status of the Group in the territory of the host Government shall be governed by a Headquarters Agreement between the host Government and the Group, to be concluded as soon as possible after these Terms of Reference have come into effect.

Budget contributions

14. The Group shall assess the contribution of each Member for each financial year, in the currency of the host country, in accordance with the provisions for contributions specified in the Rules of Procedure. The payment of the contribution by each Member shall be made in accordance with its constitutional procedures.

Statistics and information

15. (a) The Group shall collect, collate and make available to Members such statistical information on production, trade, stocks, consumption and internationally recognized published prices of Nickel as it deems appropriate for the effective operation of these Terms of Reference.

(b) The Group shall make such arrangements as it considers appropriate by which information may be exchanged with the interested non-participating Governments and with appropriate non-governmental and intergovernmental organizations in order to ensure the availability of recent and reliable data on production, consumption, stocks, international trade, internationally recognized published prices, and on other factors that influence the demand for and supply of Nickel.

(c) The Group shall endeavour to ensure that no information published shall prejudice the confidentiality of the operations of persons or enterprises producing, processing, marketing or consuming Nickel.

Annual assessment and studies

16. (a) The Group shall prepare and distribute to Members an annual assessment of the world nickel situation and related matters in the light of information supplied by Members and supplemented by information from all other relevant sources.

(b) The Group shall, as deemed desirable, undertake or make appropriate arrangements to undertake studies of short- and long-term trends in the international nickel economy, including, once a year or,

with the approval of the Group, more than once a year, the provision of an outlook on nickel production, consumption and trade for the following calendar year, so that such an exchange of information will be a technical aid to Members in their individual assessments of the evolution of the international nickel economy.

Obligations of Members

17. Members shall use their best endeavours to co-operate and to promote the attainment of the objectives of the Group, in particular as far as the provision of data referred to in paragraph 15 on the nickel economy is concerned.

Amendment

18. The Terms of Reference may only be amended by consensus of the Group and without a vote.

Coming into effect

19. (a) These Terms of Reference shall come into effect when at least 15 States which in total account for over 50 per cent of the world trade in Nickel have notified the Secretary-General of the United Nations pursuant to (c) below. If the Terms of Reference come into effect under this article, members shall be invited to attend an inaugural meeting. Members shall be notified at least one month, where possible, prior to that meeting.

(b) If the requirements for the coming into effect of these Terms of Reference have not been met on 20 September 1986, the Secretary-General of the United Nations shall invite those Governments having notified, pursuant to (c) below, their intention to become members of the Group, to meet at the earliest time practicable to decide whether or not to put these Terms of Reference into effect among themselves in whole or in part.

(c) Any State referred to in paragraph 5 which desires to become a Member of the Group shall give written notice that it intends to apply these Terms of Reference either provisionally, pending the conclusion of its internal procedures, or definitively. Pending the coming into effect of these Terms of Reference and the assumption of office by the Secretary-General of the Group, such notice shall be given to the Secretary-General of the United Nations; thereafter it shall be given to the Secretary-General of the Group. A State applying these Terms of Reference provisionally shall endeavour to complete its procedures within six months but in any case not later than 12 months from the date of its notification and shall notify the depositary accordingly.

Withdrawal

20. (a) A Member may withdraw from the Group at any time by giving written notice of withdrawal to the Secretary-General of the Group.

(b) Withdrawal shall be without prejudice to any financial obligations already incurred and shall not entitle the withdrawing State to any rebate of its contribution for the year in which the withdrawal occurs.

(c) Withdrawal shall become effective 60 days after the notice is received by the Secretary-General.

(d) The Secretary-General shall notify each Member of any notification received under this paragraph.

Duration of the Group

21. The Group shall remain in existence as long as it continues in the opinion of the Members to serve a useful purpose, unless terminated in accordance with paragraph 22.

Termination

22. (a) The Group may at any time decide by a two-thirds majority vote of the Members to terminate these Terms of Reference. Such termination shall take effect on such date as the Group shall decide.

(b) Notwithstanding the termination of these Terms of Reference, the Group shall continue in being for as long as it is necessary to carry out its liquidation, including the settlement of accounts.

DECLARATIONS AND RESERVATIONS MADE UPON OR IN CONNECTION WITH THE NOTIFICATION OF PROVISIONAL APPLICATION (n) OR DEFINITIVE APPLICATION (N)

AUSTRALIA (N)

“... The Government of Australia nevertheless wishes to state its opinion that the issue of the precise legal nature of the Terms of Reference (whether the Terms of Reference is or not a treaty) can be determined following consideration by the members of the Group once the Terms of Reference have come into effect.

“The Australian authorities wish to request that, in the light of the above, Australia should be considered as having duly notified the Secretary-General and as having completed the necessary procedures for the purposes of calculating, under paragraph 19 (a) of the Terms of Reference, the number of states and percentage of world trade in nickel required for the coming into effect of the Terms of Reference.”

CANADA (N)

“With a view to ensuring the viability of the Group, the Government of Canada wishes to confirm that it would not support putting these terms of reference into effect in whole or in part until such time as an appropriate number of countries representing sufficient world trade have been able to notify similar acceptance. Therefore, pursuant to provision 19 (B) of the terms of reference, the Government of Canada would not envisage the convening by the United Nations of an

DÉCLARATIONS ET RÉSERVES FAITES LORS DE LA NOTIFICATION DE L'APPLICATION PROVISoire (n) OU DE L'APPLICATION DÉFINITIVE (N) OU EN RELATION AVEC CELLE-CI

AUSTRALIE (N)

[TRADUCTION — TRANSLATION]

Le Gouvernement australien souhaite toutefois préciser qu'à son avis la nature juridique exacte des Statuts du Groupe (à savoir si les Statuts constituent ou non un traité) pourra être déterminée après examen de la question par le Groupe, une fois les Statuts entrés en vigueur.

Les autorités australiennes voudraient, vu ce qui précède, que l'on considère donc que l'Australie a dûment procédé auprès du Secrétaire général à ladite notification et a accompli les procédures nécessaires pour être prise en compte dans le calcul du nombre d'Etats et de pourcentage du commerce du nickel requis, en vertu de l'alinéa a du paragraphe 19, pour l'entrée en vigueur des Statuts.

CANADA (N)

[TRADUCTION — TRANSLATION]

En vue d'assurer la viabilité du Groupe, le Gouvernement canadien tient à confirmer qu'il est partisan de ne mettre en vigueur tout ou partie de ces statuts que lorsque le nombre voulu de pays totalisant une part suffisante du commerce mondial auront été en mesure de notifier leur acceptation. Par conséquent, pour ce qui est de la disposition 19 b des statuts, le Gouvernement canadien n'envisagerait pas la convocation d'une réunion par l'Organisation des

early meeting should less than 15 states accounting for 50 percent of the world trade notify by the September 20, 1986 deadline.

“At the same time, on the basis of consultation with prospective members of the INSG, the Government of Canada proposes to convene an informal meeting to consider appropriate next steps in the establishment of the Group, including planning for an inaugural meeting.”

Nations Unies si moins de 15 Etats totalisant plus de 50 p.100 du commerce mondial du nickel n'ont pas envoyé de notification d'ici le 20 septembre 1986.

En même temps, sur la base de consultations avec de futurs membres du Groupe d'étude international du nickel, le Gouvernement canadien propose la convocation d'une réunion officieuse chargée d'examiner les prochaines mesures à prendre en ce qui concerne l'établissement du Groupe, y compris l'organisation d'une réunion inaugurale.

CUBA (n)

CUBA (n)

[SPANISH TEXT — TEXTE ESPAGNOL]

"El Gobierno de la República de Cuba desea expresar que como resultado de que aún no se han cumplido los requisitos de entrada en vigor establecidos en el párrafo 19 (a) de la Resolución aprobada por la Conferencia de las Naciones Unidas sobre el Níquel, 1985 y su Mandato anexo, mediante la cual se crea un Grupo Internacional de Estudio sobre el Níquel, de que "al menos 15 países que cuenten con más del 50% del comercio mundial del níquel hayan notificado su aplicación provisional o definitiva", la aplicación definitiva por la República de Cuba de los Términos de la Resolución y Mandato anexo antes referidos será considerada bajo las condiciones siguientes:

- a) Un nivel mas alto de participación en dicho Grupo que permita un efectivo funcionamiento del mismo y por ende, un nivel de contribución aceptable.
- b) Que sean tomadas en cuenta las limitaciones que la República de Cuba tiene para ofrecer ciertas estadísticas sobre la producción, el consumo y el comercio del níquel.

El Gobierno de la República de Cuba expresa que por las razones antes señaladas y en correspondencia con lo establecido en el párrafo 19 (c) de dicha Resolución y - Mandato anexo, ha escogido la opción de aplicar provisionalmente los Términos de Referencia y estudiar posteriormente su accesión definitiva en función de las decisiones ulteriores acerca de las condiciones expuestas."

[TRANSLATION]

The Government of the Republic of Cuba wishes to state that, in view of the non-fulfilment as yet of the coming-into-effect requirements established in paragraph 19 (a) of the resolution adopted by the United Nations Conference on Nickel, 1985, and the annexed terms of reference, establishing an International Nickel Study Group which requirements are that at least 15 countries which in total account for over 50 per cent of the world trade in nickel have given notice of provisional or definitive application, the definitive application by the Republic of Cuba of the provisions of the resolution and the annexed terms of reference referred to above will be considered subject to the following conditions:

(a) A higher level of participation in the Group, in order to ensure the effective functioning of the Group and hence an acceptable level of contribution.

(b) The taking into account of the limitations existing for the Republic of Cuba in offering certain statistics on nickel production, consumption and trade.

The Government of the Republic of Cuba states that, for the reasons given above and in accordance with the provisions of paragraph 19(c) of the resolution and annexed terms of reference, it has chosen the option of provisional application of the terms of reference, and further study of its definitive accession in the light of subsequent decisions on the conditions laid down.

[TRADUCTION]

Le Gouvernement de la République de Cuba tient à préciser que, étant donné qu'il n'a pas été satisfait aux conditions d'entrée en vigueur énoncées au paragraphe 19 a de la résolution adoptée par la Conférence des Nations Unies sur le nickel (1985) et dans les statuts qui y sont annexés, qui prévoient la création d'un groupe d'étude international du nickel, ces conditions étant que 15 Etats au moins totalisant plus de 50 p. 100 du commerce mondial du nickel aient notifié leur acceptation, à titre provisoire ou définitif, desdits statuts, il envisagera d'appliquer à titre définitif les dispositions de la résolution et des statuts qui y sont annexés, à condition :

a) Qu'un niveau de participation plus élevé au groupe soit atteint de façon à améliorer l'efficacité de ses travaux;

b) Qu'il soit tenu compte des difficultés qu'éprouve la République de Cuba à fournir certaines données statistiques sur la production, la consommation et le commerce du nickel.

Eu égard à ce qui précède et aux dispositions du paragraphe 19 c de ladite résolution et des statuts qui y sont annexés, le Gouvernement de la République de Cuba a opté pour l'application à titre provisoire des dispositions de la résolution et des statuts, quitte à étudier par la suite la possibilité d'y adhérer définitivement à la lumière des décisions qui seront prises ultérieurement au sujet des conditions susmentionnées.

FEDERAL REPUBLIC
OF GERMANY (n)RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE (n)

[In connection with the notification of provisional application by the Federal Republic of Germany, the Secretary-General received on 25 August 1987 the following declaration — En relation avec la notification d'application provisoire de la République fédérale d'Allemagne, le Secrétaire général a reçu le 25 août 1987, la déclaration suivante :]

[GERMAN TEXT — TEXTE ALLEMAND]

*Am 19. September 1986 hat die Bundesrepublik Deutschland das im Rahmen der UNCTAD ausgehandelte Schlußdokument über die Errichtung einer Internationalen Nickel-Studiengruppe unterzeichnet und nach Ziffer 19 Buchstabe c des im Schlußdokument enthaltenen Mandats die vorläufige Anwendung notifiziert. Dabei hat sich die Bundesrepublik Deutschland den Vorbehalt des Vereinigten Königreichs zu eigen gemacht (vgl. Anhang II des Mandats).

Nach Auskunft des VN-Sekretariats haben bis heute sieben Länder mit einem Anteil von 30,83 % am Weltnickelhandel die vorläufige bzw. endgültige Anwendung des Mandats der Internationalen Nickel-Studiengruppe erklärt.

Als Folge dieser unerwartet geringen Beteiligung ist die Internationale Nickel-Studiengruppe bisher nicht errichtet worden, da das Mandat gemäß Ziffer 19 Buchstabe a erst dann in Kraft tritt, wenn wenigstens 15 Länder mit einem Gesamtanteil von über 50 % am Weltnickelhandel die vorläufige oder endgültige Anwendung erklärt haben.

Vor diesem Hintergrund bemerkt die Bundesregierung das Folgende zu der von ihr am 19.09.1986 notifizierten vorläufigen Anwendung des Mandats:

1. Eine endgültige Mitgliedschaft der Bundesrepublik Deutschland in der Internationalen Nickel-Studiengruppe kommt nur unter folgenden Bedingungen in Betracht:
 - a) Eine hohe Mindestbeteiligung (80 %) bleibt die wichtigste Voraussetzung für eine sinnvolle Arbeit der INSG aus deutscher Sicht. Während der Verhandlungskonferenz hat

der Vertreter der Bundesrepublik Deutschland klargestellt, daß auch die anderen bedeutenden Nickelerzeuger- und Nickelverbraucherländer ihre Mitgliedschaft erklären müssen. Unter den Teilnehmern der Verhandlungskonferenz bestand sogar Einvernehmen darüber, daß die zu schaffende Internationale Nickel-Studiengruppe soviel Länder auf sich vereinigen muß, daß mindestens 80 % des Weltnickelhandels in ihr vertreten sind.

b) Die Bundesrepublik Deutschland hält in diesem Zusammenhang an ihrem am 19. September 1986 ebenfalls notifizierten Vorbehalt (Anhänge II und III des Mandats) fest.

2. Aus diesem Grunde hat die Bundesrepublik Deutschland von der in Ziffer 19 Buchstabe c des Mandats gegebenen Möglichkeit der vorläufigen Anwendung des Mandats Gebrauch gemacht. Dies führt nicht "automatisch" zu einer endgültigen Mitgliedschaft. Die Bundesrepublik Deutschland wird daher über ihren endgültigen Beitritt zu gegebener Zeit entscheiden und dabei berücksichtigen, inwieweit die vorstehend unter 1. genannten Bedingungen erfüllt sind."

[TRANSLATION¹ — TRADUCTION²]

On 19 September 1986, the Federal Republic of Germany signed the final document negotiated within UNCTAD on the establishment of an International Nickel Study Group, and, in accordance with paragraph 19 (c) of the Terms of Reference contained in the final document, gave written notice of the provisional application of the Terms of Reference. In so doing the Federal Republic of Germany endorsed the reservation made by the United Kingdom (see Annex II to the Terms of Reference).³

¹ Translation supplied by the Government of the Federal Republic of Germany.

² Traduction fournie par le Gouvernement de la République fédérale d'Allemagne.

³ Should read "Annex II to the Resolution adopted by the United Nations Conference on Nickel, 1985".

[TRADUCTION — TRANSLATION]

Le 19 septembre 1986, la République fédérale d'Allemagne a signé le document final négocié au sein de la CNUCED au sujet de la création d'un groupe d'étude international du nickel et a effectué une notification d'application provisoire conformément à l'alinéa c du paragraphe 19 des statuts contenus dans le document final, mais a alors, à cette occasion, fait sienne de la réserve du Royaume-Uni (voir annexe II des Statuts)¹.

¹ Devrait se lire « Annexe II à la Résolution adoptée par la Conférence des Nations Unies sur le nickel, 1985 ».

According to the United Nations Secretariat, seven countries accounting for 30.83 % of the world trade in nickel have so far notified the provisional or definitive application of the INSG Terms of Reference.

As a result of this unexpectedly low level of participation, the INSG has not yet been established because pursuant to their paragraph 19 (a) the Terms of Reference do not come into effect until at least 15 countries which in total account for over 50 % of the world trade in nickel have notified provisional or definitive application.

Against this background, the Government of the Federal Republic of Germany would like to state the following concerning its provisional application of the Terms of Reference notified on 19 September 1986:

1. *Definitive* membership of the INSG by the Federal Republic of Germany can only be considered under the following conditions:

(a) A high minimum level of participation (80%) remains the primary prerequisite for the proper functioning of the INSG, in the view of the Federal Republic of Germany. During the negotiating conference, the representative of the Federal Republic of Germany made it clear that the other major nickel producing and nickel consuming countries must also become members of the group. The participants in the conference were even agreed that the envisaged INSG must attract so many countries that its membership accounts for at least 80% of the world trade in nickel.

(b) The Federal Republic of Germany confirms in this connection the reserva-

D'après les renseignements fournis par le Secrétariat de l'Organisation des Nations Unies, sept pays totalisant 30,83 p. 100 du commerce mondial du nickel ont, à ce jour, notifié leur intention d'appliquer les Statuts du Groupe d'étude international du nickel, soit à titre provisoire, soit à titre définitif.

Ce niveau de participation beaucoup plus faible que prévu, n'a pas permis, à ce jour, la création du Groupe d'étude international du nickel puisque, aux termes de l'alinéa a du paragraphe 19, les Statuts n'entrent en vigueur que lorsque 15 Etats au moins totalisant plus de 50 p. 100 du commerce mondial du nickel ont notifié leur intention d'appliquer les statuts, soit à titre provisoire, soit à titre définitif.

Dans ces conditions, le Gouvernement de la République fédérale d'Allemagne tient à faire les observations ci-après au sujet de sa notification d'application provisoire des Statuts du 19 septembre 1986 :

1. La République fédérale d'Allemagne ne pourra envisager de devenir membre à titre définitif du Groupe d'étude international du nickel que dans les conditions ci-après :

a) Un niveau de participation minimal élevé (80%) reste, de l'avis de l'Allemagne, la condition primordiale du bon fonctionnement du Groupe. Lors de la conférence de négociation, le représentant de la République fédérale d'Allemagne a précisé que les autres producteurs et consommateurs importants de nickel doivent également devenir membres du Groupe. Les participants à la conférence de négociation sont même convenus que le futur groupe d'étude international du nickel devait comprendre autant de pays qu'il le faudrait pour que 80 p. 100 au moins du commerce mondial du nickel y soit représenté.

b) La République fédérale d'Allemagne maintient à ce propos la réserve

tion likewise notified on 19 September 1986 (Annexes II and III to the Terms of Reference).

2. For this reason, the Federal Republic of Germany chose the option of *provisional* application of the Terms of Reference, as provided in paragraph 19 (c) thereof. This does not “automatically” lead to definitive membership. The Federal Republic of Germany will therefore decide on its definitive accession in due course, taking into account the extent to which the conditions specified under paragraph 1 above have been met.

qu’elle a également notifiée le 19 septembre 1986 (annexes II et III des Statuts).

2. Pour ces raisons, la République fédérale d’Allemagne a fait usage de la possibilité d’application des Statuts, à *titre provisoire* prévue dans l’alinéa c du paragraphe 19 des Statuts. Il n’y a pas là de processus aboutissant « automatiquement » à une participation définitive. La République fédérale d’Allemagne décidera donc de sa participation définitive en temps utile, en tenant compte de la mesure dans laquelle les conditions énoncées au paragraphe 1 ci-dessus auront été remplies.

[GERMAN TEXT — TEXTE ALLEMAND]

"Die Bundesrepublik Deutschland behält sich ihre Haltung zum Text des Artikels 13 der Statuten der Internationalen Nickelstudien­gruppe vor. Sie nimmt insoweit Bezug auf den Vorschlag des Vereinigten Königreichs, wie er in Anhang III zur Resolution der VN-Konferenz über Nickel, 1985 (Dok. TD/NICKEL/12) wiedergegeben ist:

[TRANSLATION¹ — TRADUCTION²]

The Federal Republic of Germany reserves its position in relation to the text of paragraph 13 of the Terms of Reference of the International Nickel Study Group. In this respect it refers to the proposal of the United Kingdom of Great Britain and Northern Ireland as reproduced in Annex III of the resolution adopted by the United Nations Conference on Nickel 1985 (doc. TD/NICKEL/12):

[TRADUCTION — TRANSLATION]

La République fédérale d’Allemagne réserve sa position en ce qui concerne le texte de l’Article 13 des Statuts du Groupe d’étude international du nickel. Elle se réfère à cet égard à la proposition soumise par le Royaume-Uni et reproduite à l’annexe III de la résolution adoptée par la Conférence des Nations Unies sur le nickel, 1985 (TD/NICKEL/12):

¹ Translation supplied by the Government of the Federal Republic of Germany.

² Traduction fournie par le Gouvernement de la République fédérale d’Allemagne.

[TRANSDUCTION — TRANSLATION]

Annex III

Proposal [to amend paragraph 13 of the Term of Reference] submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland

Legal Status

13. (a) The Group shall have legal personality. It shall in particular, but subject to paragraph 6 (b) above, have the capacity to enter into contracts, to acquire and to dispose of movable and immovable property and to institute legal proceedings.

(b) The members of the Group shall not be liable to meet any obligations of the Group (whether in contract, tort or otherwise). Their obligations shall be limited to meeting their respective budget contribution under paragraph 14 of these Terms of Reference and the Rules of Procedure. The Group shall not have the power, and shall not be taken to have been authorized by the members, to incur any obligation outside the scope of these Terms of Reference or the Rules of Procedure.

(c) All contracts of the Group shall incorporate subparagraph (b) of this paragraph.

(d) The status of the Group in the territory of the host Government shall be governed by a Headquarters Agreement between the host Government and the Group, to be concluded as soon as possible after these Terms of Reference have come into effect.

Annexe III

Proposition [d'amendement au paragraphe 13 des Statuts] soumise par la délégation du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

Status juridique

13. a) Le Groupe a la personnalité juridique. Il a en particulier, sous réserve toutefois des dispositions du paragraphe 6 b ci-dessus, la capacité de conclure des contrats, d'acquérir et d'aliéner des biens meubles et immeubles et d'ester en justice;

b) Les membres du groupe ne sont tenus d'exécuter aucune des obligations du Groupe, qu'elles résultent d'un contrat ou d'un préjudice ou qu'elles soient de toute autre nature. Leurs obligations se limitent au versement de leurs contributions budgétaires respectives, conformément au paragraphe 14 des présents Statuts et au règlement intérieur. Le Groupe n'a pas la capacité de contracter quelque obligation que ce soit ne relevant pas des présents Statuts ou du règlement intérieur et ne saurait être considéré comme ayant été autorisé par les membres à le faire;

c) Tous les contrats du Groupe contiendront le texte de l'alinéa b du présent paragraphe;

d) Le statut du Groupe sur le territoire du pays hôte est régi par un accord de siège conclu entre le gouvernement du pays hôte et le Groupe aussitôt que possible après l'entrée en vigueur des présents Statuts.

GREECE (n)

Greece supports the British proposal¹ to amend the Constitution of the said Group, with the aim to restrain its contractual competence.

GRÈCE (n)

[TRANSDUCTION — TRANSLATION]

La Grèce appuie la proposition britannique¹ qui vise à modifier les statuts du Groupe en vue de limiter ses compétences d'ordre contractuel.

¹ See p. 61.

¹ Voir p. 61.