

report on the techniques and procedures used in the elaboration of multilateral treaties, taking into consideration the observations of Governments and of the International Law Commission on the subject,

*Aware* of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

*Convinced* that the most rational use should be made of the finite resources available for elaboration of multilateral treaties,

*Taking into account* statements made at the current session in the debate in the Sixth Committee,<sup>21</sup>

1. *Takes note* of the report of the Secretary-General,<sup>22</sup> and of the views of Governments and of the International Law Commission contained in the addenda thereto,<sup>23</sup> on the review of the multilateral treaty-making process;

2. *Invites* Governments and international intergovernmental organizations to submit by 31 July 1981 their observations on the report of the Secretary-General, taking into account the specific questions contained in section IV thereof, as well as their comments on any other aspect of the subject, as they consider desirable;

3. *Requests* the Secretary-General to make his report and its addenda widely available to other interested organizations which are active in the preparation and study of multilateral treaties, and to invite them to comment on the subject of the report;

4. *Requests* the Secretary-General to collate and arrange the material received pursuant to General Assembly resolution 32/48, with a view to its possible publication;

5. *Also requests* the Secretary-General to prepare and publish new editions of the Handbook of Final Clauses<sup>24</sup> and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements;<sup>25</sup>

6. *Further requests* the Secretary-General to submit to the General Assembly at its thirty-sixth session a report containing the replies received pursuant to paragraphs 2 and 3 above, as well as a topical summary of the debate at its thirty-fifth session;

7. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Review of the multilateral treaty-making process".

*95th plenary meeting  
15 December 1980*

### 35/163. Report of the International Law Commission

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its thirty-sixth session,<sup>26</sup>

*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

<sup>21</sup> *Ibid.*, Thirty-fifth Session, Sixth Committee, 55th, 60th-64th, 73rd and 75th meetings; and *ibid.*, Sixth Committee, Sessional Fascicle, corrigendum.

<sup>22</sup> A/35/312 and Corr.1.

<sup>23</sup> A/35/312/Add.1 and 2 and Add.2/Corr.1.

<sup>24</sup> ST/LEG/6.

<sup>25</sup> ST/LEG/7.

<sup>26</sup> *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10 (A/35/10).*

United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations<sup>27</sup> and to give increased importance to its role in relations among States,

*Noting with appreciation* that at its thirty-second session the International Law Commission, pursuant to General Assembly resolutions 33/139 of 19 December 1978 and 34/141 of 17 December 1979, completed the first reading of the addendum to the draft articles on succession of States in respect of matters other than treaties and of the draft articles on treaties concluded between States and international organizations or between international organizations, as well as the first reading of the set of articles constituting part one of the draft on responsibility of States for internationally wrongful acts,

*Noting further with appreciation* the progress made by the International Law Commission in the preparation of draft articles on the law of the non-navigational uses of international watercourses, and on jurisdictional immunities of States and their property, as well as the work done by it regarding the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and international liability for injurious consequences arising out of acts not prohibited by international law,

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

1. *Takes note* of the report of the International Law Commission on the work of its thirty-second session;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at that session;

3. *Approves* the programme of work planned by the International Law Commission for 1981;<sup>28</sup>

4. *Recommends* that, taking into account the written comments of Governments and views expressed in debates in the General Assembly, the International Law Commission should, at its thirty-third session:

(a) Complete, as recommended by the General Assembly in resolution 34/141, the second reading of the draft articles on succession of States in respect of matters other than treaties, adopted at its thirty-first and thirty-second sessions;

(b) Commence the second reading of the draft articles on treaties concluded between States and international organizations or between international organizations;

(c) Continue its work on State responsibility with the aim of beginning the preparation of draft articles concerning part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft;

(d) Continue its work on international liability for injurious consequences arising out of acts not prohibited by international law;

(e) Proceed with the preparation of draft articles on the law of the non-navigational uses of international

<sup>27</sup> Resolution 2625 (XXV), annex.

<sup>28</sup> See *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 10 (A/35/10)*, chap. IX, sect. A.

watercourses and on jurisdictional immunities of States and their property, taking into account the replies to the questionnaires addressed to Governments as well as information furnished by them;

(f) Continue its work on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, with a view to the possible elaboration of an appropriate legal instrument;

5. *Recommends further* that the International Law Commission should continue its study of the second part of the topic of relations between States and international organizations;

6. *Endorses* the decisions of the International Law Commission requesting observations and comments on the provisions adopted on first reading of the draft articles on succession of States in respect of matters other than treaties,<sup>29</sup> on treaties concluded between States and international organizations or between international organizations<sup>30</sup> and on responsibility of States for internationally wrongful acts;<sup>31</sup>

7. *Urges* Governments to respond as fully and expeditiously as possible to the requests of the International Law Commission for comments and observations on its draft articles and questionnaires and for materials on topics on its programme of work;

8. *Welcomes* the considerations and recommendations contained in the report of the International Law Commission on questions having a bearing on the nature, programme and methods of work of the Commission and the organization of its sessions with a view to the timely and effective fulfilment of the tasks entrusted to it;

9. *Reaffirms* its previous decisions concerning research projects and studies required by the work of the International Law Commission and the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat, as well as those concerning the need for continuing provision of summary records of the Commission's meetings;

10. *Expresses confidence* that the International Law Commission will continue to keep the progress of its work under review and to develop the methods of work best suited to the speedy completion of the tasks entrusted to it;

11. *Reaffirms* its wish that the International Law Commission will continue to enhance its co-operation with legal organs of intergovernmental organizations whose work is of interest for the progressive development of international law and its codification;

12. *Expresses the wish* that seminars will continue to be held in conjunction with 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;

13. *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 thirty-fifth session of the General Assembly and to prepare and distribute a topical summary of the debate.

*95th plenary meeting  
15 December 1980*

<sup>29</sup> *Ibid.*, Supplement No. 10 (A/35/10), para. 15.

<sup>30</sup> *Ibid.*, para. 55.

<sup>31</sup> *Ibid.*, para. 31.

### 35/164. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

*The General Assembly,*

*Reaffirming* its support for the purposes and principles set forth in the Charter of the United Nations,

*Recalling* its resolutions 686 (VII) of 5 December 1952, 992 (X) of 21 November 1955, 2285 (XXII) of 5 December 1967, 2552 (XXIV) of 12 December 1969, 2697 (XXV) of 11 December 1970, 2968 (XXVII) of 14 December 1972 and 3349 (XXIX) of 17 December 1974,

*Recalling also* its resolutions 2925 (XXVII) of 27 November 1972, 3073 (XXVIII) of 30 November 1973 and 3282 (XXIX) of 12 December 1974 on the strengthening of the role of the United Nations,

*Recalling especially* its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978 and 34/147 of 17 December 1979,

*Having considered* the report of the Special Committee,<sup>32</sup>

*Noting* that significant progress has been made in fulfilling the mandate of the Special Committee,

*Noting also* the progress of the debate held during the thirty-fifth session on the item entitled "Peaceful settlement of disputes between States", included in the agenda in pursuance of General Assembly resolution 34/102 of 14 December 1979, especially concerning the consideration of the draft Manila declaration on the peaceful settlement of international disputes,<sup>33</sup>

*Recognizing* the importance and usefulness of the *Repertoire of the Practice of the Security Council* and the *Repertory of Practice of United Nations Organs* as the principal sources of records for the analytical studies of the application and interpretation of the provisions of the Charter and of the rules of procedure made thereunder,

*Noting* the importance that pre-session consultations among the members of the Special Committee and other interested States may have in facilitating the fulfilment of its task,

*Considering* that the Special Committee has not yet completed the mandate entrusted to it,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. *Decides* that the Special Committee should continue its work in pursuance of the following tasks with which it is entrusted:

(a) To list the proposals which have been made or will be made in the Committee and to identify those which have awakened special interest;

(b) To examine proposals which have been made or will be made in the Committee with a view to according priority to the consideration of those areas on which general agreement is possible and to make recommendations thereon;

<sup>32</sup> *Ibid.*, Supplement No. 33 (A/35/33 and Corr.1).

<sup>33</sup> *Ibid.*, para. 159.