

establish their jurisdiction in accordance with article 9 of the present Convention.

*Article 16*

The present Convention shall be applied without prejudice to:

- (a) The rules relating to the international responsibility of States;
- (b) The law of armed conflict and international humanitarian law, including the provisions relating to the status of combatant or of prisoner of war.

*Article 17*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present 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 a request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of the present Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article 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 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

*Article 18*

1. The present Convention shall be open for signature by all States until 31 December 1990 at United Nations Headquarters in New York.

2. The present Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

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

*Article 19*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

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

*Article 20*

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

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

*Article 21*

The original of the present 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.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Convention.

**44/35. Report of the International Law Commission on the work of its forty-first session**

*The General Assembly,*

*Having considered the report of the International Law Commission on the work of its forty-first session,*<sup>27</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 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>9</sup> 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 contributions 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,*

*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-first session;

2. *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, listed as items 2, 3 and 5 to 8 in paragraph 7 of its report;

3. *Expresses its appreciation* for the efforts of the International Law Commission to improve its procedures and methods of work and to formulate proposals on its future programme of work;

4. *Requests* the International Law Commission:

(a) *To keep under review the planning of its activities 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;*

(b) *To consider further 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;*

(c) *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;*

5. *Invites* the International Law Commission, when circumstances so warrant, to request a special rapporteur to attend the session of the General Assembly during the discussion of the topic for which that special rapporteur is responsible and requests the Secretary-General to make the necessary arrangements within existing resources;

6. *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;

7. *Decides* that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-fifth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission;

8. *Recommends* that the debate on the report of the International Law Commission at the forty-fifth session of the General Assembly commence on 29 October 1990;

9. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 743 of 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 increased 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. *Urges* Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its programme of work;

12. *Reaffirms its wish* that the International Law Commission continue to enhance its co-operation with inter-governmental legal bodies whose work is of interest for the progressive development of international law and its codification;

13. *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 expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

14. *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-fourth 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.

*72nd plenary meeting  
4 December 1989*

**44/36. Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto**

*The General Assembly,*

*Noting* that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and also

prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character,<sup>39</sup>

*Taking note* of the recommendation of the International Law Commission that the General Assembly should convene an international conference of plenipotentiaries to study the draft articles concerned and the draft optional protocols thereto and to conclude a convention on the subject,<sup>40</sup>

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and to the Special Rapporteur on the topic for his contribution to this work;

2. *Decides* to hold informal consultations at the forty-fifth session of the General Assembly to study the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the question of how to deal further with these draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect;

3. *Also decides* to include in the provisional agenda of its forty-fifth session an item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

*72nd plenary meeting  
4 December 1989*

**44/37. 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,*

*Recalling* 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 relevant resolutions adopted at subsequent sessions,<sup>41</sup>

*Taking note* of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,<sup>42</sup> thirty-ninth,<sup>43</sup> fortieth,<sup>44</sup> forty-first,<sup>45</sup> forty-second,<sup>46</sup> forty-third<sup>47</sup> and forty-fourth<sup>48</sup> sessions, as well as the views and comments expressed on them by Member States,

*Having considered* the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1989,<sup>49</sup>

<sup>39</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.*

<sup>40</sup> *Ibid.*, para. 66.

<sup>41</sup> Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987 and 43/170 of 9 December 1988.

<sup>42</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).*

<sup>43</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 1 (A/39/1)*

<sup>44</sup> *Ibid.*, *Fortieth Session, Supplement No. 1 (A/40/1)*.

<sup>45</sup> *Ibid.*, *Forty-first Session, Supplement No. 1 (A/41/1)*.

<sup>46</sup> *Ibid.*, *Forty-second Session, Supplement No. 1 (A/42/1)*.

<sup>47</sup> *Ibid.*, *Forty-third Session, Supplement No. 1 (A/43/1)*.

<sup>48</sup> *Ibid.*, *Forty-fourth Session, Supplement No. 1 (A/44/1)*.

<sup>49</sup> *Ibid.*, *Supplement No. 33 (A/44/33)*.