

2. *Calls upon* all States becoming parties to Protocol I to consider the matter of making the declaration provided for under article 90 of that Protocol;

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

4. *Decides* to include in the provisional agenda of its forty-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: report of the Secretary-General".

99th plenary meeting
13 December 1984

39/78. Development and strengthening of good-neighbourliness between States

The General Assembly,

Bearing in mind the determination of the peoples of the United Nations, as expressed in the Charter of the United Nations, to practise tolerance and live together in peace with one another as good neighbours,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, approved by its resolution 2625 (XXV) of 24 October 1970,

Recalling its resolutions 1236 (XII) of 14 December 1957, 1301 (XIII) of 10 December 1958, 2129 (XX) of 21 December 1965, 34/99 of 14 December 1979, 36/101 of 9 December 1981, 37/117 of 16 December 1982 and 38/126 of 19 December 1983,

Bearing in mind that, owing to geographic proximity and to other relevant reasons, there are particularly favourable opportunities for co-operation and mutual advantage between neighbouring countries, in many fields and various forms, and that the development of such co-operation may have a positive influence on international relations as a whole,

Considering that the great changes of a political, economic and social nature, as well as the scientific and technological progress which has taken place in the world and led to unprecedented interdependence of nations, have given new dimensions to good-neighbourliness in the conduct of States and increased the need to develop and strengthen it,

Taking into account the working paper concerning the development and strengthening of good-neighbourliness between States,⁹ as well as the written replies sent by States and international organizations on the content of good-neighbourliness and on ways and means to enhance it¹⁰ and the views expressed by States on this subject in the General Assembly,

Recalling its opinion that it is necessary to continue to examine the question of good-neighbourliness in order to strengthen and develop its content, as well as ways and modalities to enhance its effectiveness, and that the results of this examination could be included, at an appropriate time, in a suitable international document,

1. *Reaffirms* that good-neighbourliness fully conforms with the purposes of the United Nations and shall be founded upon the strict observance of the principles of the Charter of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with

the Charter of the United Nations, and so presupposes the rejection of any acts seeking to establish zones of influence or domination;

2. *Calls once again upon* States, in the interest of the maintenance of international peace and security, to develop good-neighbourly relations, acting on the basis of these principles;

3. *Reaffirms* that the generalization of the long practice of good-neighbourliness and of principles and rules pertaining to it is likely to strengthen friendly relations and co-operation among States in accordance with the Charter;

4. *Deems it appropriate*, on the basis of the working paper concerning the development and strengthening of good-neighbourliness between States mentioned above, as well as of other proposals and ideas which have been or will be submitted by States, and the replies and views of States and international organizations, to start clarifying and formulating the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject;

5. *Decides* to proceed with the task of identifying and clarifying the elements of good-neighbourliness within the framework of a working group or other appropriate organ of the Sixth Committee as may be decided upon by the Committee when organizing its work at the fortieth session of the General Assembly;

6. *Invites once again* Governments, United Nations bodies and programmes and the specialized agencies, within their respective fields of competence, to communicate to the Secretary-General their views and suggestions or, if they deem it appropriate, to update the replies already given by them, on the content of good-neighbourliness and ways and means to strengthen it;

7. *Requests* the Secretary-General to submit to the General Assembly at its fortieth session a report containing the replies received in accordance with paragraph 6 above;

8. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Development and strengthening of good-neighbourliness between States".

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39/79. Peaceful settlement of disputes between States

The General Assembly,

Having examined the item entitled "Peaceful settlement of disputes between States",

Recalling its resolution 37/10 of 15 November 1982, by which it approved the Manila Declaration on the Peaceful Settlement of International Disputes, annexed thereto,

Recalling also its resolution 38/131 of 19 December 1983,

Deeply concerned at the continuation of conflict situations and the emergence of new sources of disputes and tension in international life, and especially at the growing tendency to resort to force or the threat of force and to intervention in internal affairs, and at the escalation of the arms race, which gravely endanger the independence and security of States as well as international peace and security,

Taking into account the need to exert the utmost effort in order to settle any situations and disputes between

⁹ A/38/440, annex.

¹⁰ See A/36/376 and Add.1, A/37/476 and A/38/336 and Add.1.

States exclusively by peaceful means and to avoid any military action and hostilities against other States, which can only make more difficult the solution of existing problems,

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations, and that efforts for strengthening the process of peaceful settlement of disputes should be continued,

Taking note of the working papers on the establishment of a commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States,¹¹ submitted to the General Assembly by Nigeria, the Philippines and Romania,

Taking into account the elaboration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization of the outline for a handbook on the peaceful settlement of disputes between States and the conclusions thereon,¹²

1. *Again urges* all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;

2. *Stresses* the need to continue efforts to strengthen the process of the peaceful settlement of disputes through the progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;

3. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, during its session in 1985, to continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(a) To continue the consideration of the proposal contained in the above-mentioned working papers;

(b) To examine the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes between States;

4. *Requests* the Secretary-General to prepare, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, a draft handbook on the peaceful settlement of disputes between States, and to report to the Special Committee at its session in 1985 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage;

5. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Peaceful settlement of disputes between States".

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39/80. Draft Code of Offences against the Peace and Security of Mankind

The General Assembly,

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,

¹¹ A/38/343, annex; A/C.6/39/L.2.

¹² See *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 33 (A/39/33)*, chap. III, sect. B.

¹³ *Ibid.*, Ninth Session, Supplement No. 9 (A/2693), para. 54.

¹⁴ *Ibid.*, Thirty-ninth Session, Supplement No. 10 (A/39/10).

Recalling its resolution 177 (II) of 21 November 1947, by which it directed the International Law Commission to prepare a draft code of offences against the peace and security of mankind,

Having considered the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission and submitted to the General Assembly in 1954,¹³

Recalling its belief that the elaboration of a code of offences against the peace and security of mankind could contribute to strengthening international peace and security and thus to promoting and implementing the purposes and principles set forth in the Charter of the United Nations,

Recalling also its resolution 36/106 of 10 December 1981, in which it invited the International Law Commission to resume its work with a view to elaborating the draft Code and to examine it with the required priority in order to review it, taking into account the results achieved by the process of the progressive development of international law,

Bearing in mind that the International Law Commission should fulfil its task on the basis of the early elaboration of draft articles,

Having considered chapter II of the report of the International Law Commission on the work of its thirty-sixth session,¹⁴ in particular paragraph 65 of the report, containing the Commission's conclusions,

Taking note of the report of the Secretary-General,¹⁵

Taking into account the views expressed during the debate on this item at the current session,¹⁶

Recognizing the importance and the urgency of the subject,

1. *Requests* the International Law Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating an introduction as well as a list of the offences, taking into account the progress made at its thirty-sixth session, as well as the views expressed during the thirty-ninth session of the General Assembly;

2. *Requests* the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the conclusions contained in paragraph 65 of the report of the International Law Commission¹⁴ and to include them in a report to be submitted to the General Assembly at its fortieth session with a view to adopting, at the appropriate time, the necessary decision thereon;

3. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Draft Code of Offences against the Peace and Security of Mankind", to be considered in conjunction with the consideration of the report of the International Law Commission.

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39/81. Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations¹⁷

The General Assembly,

Recalling its resolution 31/9 of 8 November 1976, in which it invited Member States to examine further the

¹⁵ A/39/439 and Add.1-5.

¹⁶ See *Official Records of the General Assembly, Thirty-ninth Session, Sixth Committee, 47th-49th and 63rd meetings.*

¹⁷ See also sect. X A, decision 39/326.