

children and to recognize those children whose needs are not being met by existing services,

*Noting* the usefulness of regional co-operation in matters regarding the well-being of children,

*Recognizing* that the best child welfare is good family welfare and that, when family care is unavailable or inappropriate, substitute family care should be considered, in conformity with national legislation,

*Convinced* that adoption of the draft Declaration will promote the well-being of children with special needs,

1. *Appeals* to Member States representing different legal systems to undertake consultations on the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, with a view to finding out the extent to which they would join the common endeavour of completing the work thereon;

2. *Also appeals* to the Member States that will take part in the consultations to submit, before the forty-first session of the General Assembly, a paper containing their common conclusions on the matter, including, if appropriate, their suggestions as to the procedure and forum for future work;

3. *Requests* the Secretary-General to circulate the paper referred to in paragraph 2 above to Member States with a view to obtaining their comments thereon, including their views as to the procedure and forum for future work, and to submit a report to the General Assembly at its forty-first session;

4. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally".

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### 39/90. Review of the multilateral treaty-making process

*The General Assembly,*

*Bearing in mind* that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

*Conscious*, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

*Aware* of the responsibility which active involvement in the process of multilateral treaty-making places on Governments,

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

*Conscious* of the desirability of consolidating and disseminating information on the procedures followed by the United Nations in the preparation and formulation of the text of multilateral treaties,

*Taking into account* that in certain important and specialized areas interested parties have developed methods of negotiation of proven and continued value,

*Bearing in mind* the important contribution of the International Law Commission to the preparation of multilateral treaties during the past thirty-six years,

*Aware* that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making,

*Having taken note* of the report of the Secretary-General on the review of the multilateral treaty-making process submitted to the General Assembly at its thirty-fifth session<sup>49</sup> and of the views of Governments and of the International Law Commission contained in the addenda thereto,<sup>50</sup>

*Having taken note also* of the subsequent reports of the Secretary-General submitted to the General Assembly at its thirty-sixth<sup>51</sup> and thirty-seventh<sup>52</sup> sessions and of the replies and observations made by Governments and international organizations,<sup>53</sup>

*Having considered* the statements made at the current session during the debate in the Sixth Committee,<sup>54</sup>

*Noting* that the Working Group on the Review of the Multilateral Treaty-making Process, first established in accordance with General Assembly resolution 36/112 of 10 December 1981, concluded its mandate, and taking note of the report of the Working Group, together with its final document on the review of the multilateral treaty-making process,<sup>55</sup>

1. *Expresses its appreciation* to the Working Group on the Review of the Multilateral Treaty-making Process for the completion of its mandate and for its final document;

2. *Requests* the Secretary-General to circulate to all States Members the final document of the Working Group on the Review of the Multilateral Treaty-making Process;

3. *Recommends* to all States which are considering the initiation of a multilateral treaty within the framework of the United Nations to give consideration to the procedures set out in the final document of the Working Group on the Review of the Multilateral Treaty-making Process;

4. *Also requests* the Secretary-General to prepare, for information and possible use by Governments, a handbook on multilateral treaty-making as described in paragraph 18 of the final document of the Working Group on the Review of the Multilateral Treaty-making Process, to be made available within two years;

5. *Further requests* the Secretary-General:

(a) To examine, together with the specialized and related agencies, and other international organizations exercising depositary functions, the feasibility and financial implications of consolidating, in a similar way to the volumes entitled *Multilateral Treaties Deposited with the Secretary-General*,<sup>56</sup> the information regarding depositary functions performed by these international organizations;

(b) To hold consultations on the feasibility and financial implications of publishing, at regular intervals, consolidated information regarding depositary functions performed by Governments;

(c) To examine the regulations in force for giving effect to Article 102 of the Charter of the United Nations, with a view to their possible up-dating;

<sup>49</sup> A/35/312 and Corr.1.

<sup>50</sup> A/35/312/Add.1 and 2 and Add.2/Corr.1

<sup>51</sup> A/36/553.

<sup>52</sup> A/37/444.

<sup>53</sup> A/36/553/Add.1 and 2 and A/37/444 Add.1.

<sup>54</sup> See *Official Records of the General Assembly, Thirty-ninth Session, Sixth Committee*, 59th, 60th and 64th meetings.

<sup>55</sup> A/C.6/39/L.12, annex.

<sup>56</sup> ST/LEG/SER.E/2 and Add.1.

(d) To invite the specialized and related agencies, and other international organizations in consultative status with the United Nations, to communicate to the Secretary-General information regarding their respective treaty-making activities; and to report thereon to the Sixth Committee;

6. *Reiterates its request* to the Secretary-General to continue to prepare for publication as soon as possible new

editions of the *Handbook of Final Clauses*<sup>57</sup> and the *Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements*,<sup>58</sup> taking into account relevant developments and practices in that respect.

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<sup>57</sup> ST/LEG/6.

<sup>58</sup> ST/LEG/7.