

14. Article 45 "Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty"
15. Article 46 "Provisions of internal law of a State and rules of an international organization regarding competence to conclude treaties"  
—paragraph 2  
—paragraph 3  
—paragraph 4
16. Article 56 "Denunciation of or withdrawal from a treaty containing no provision regarding termination, denunciation or withdrawal"
17. Article 61 "Supervening impossibility of performance"
18. Article 62 "Fundamental change of circumstances"
19. Article 65 "Procedure to be followed with respect to invalidity, termination, withdrawal from or suspensions of the operation of a treaty"  
—paragraph 3
20. Article 66 "Procedures for arbitration and conciliation"
21. Article 73 "Cases of succession of States, responsibility of a State or of an international organization, outbreak of hostilities, termination of the existence of an organization and termination of participation by a State in the membership of an organization"
22. Article 75 "Case of an aggressor State"
23. Article 77 "Functions of depositaries"
24. Annex "Arbitration and conciliation procedures established in application of article 66"

## ANNEX III

## Draft final clauses

(Based on those of the 1969 Vienna Convention on the Law of Treaties<sup>46</sup>)

## FINAL PROVISIONS

## Article 81

## SIGNATURE

The present Convention shall be open for signature until . . . (date, month, year) at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until . . . (date, month, year), at the United Nations Headquarters, New York by:

- (a) All States;
- (b) Namibia, represented by the United Nations Council for Namibia;
- (c) International organizations invited to participate in the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations.

## Article 82

## RATIFICATION OR ACT OF FORMAL CONFIRMATION

The present Convention is subject to ratification by States and by Namibia, represented by the United Nations Council for Namibia, and to acts of formal confirmation by international organizations. The instruments of ratification and those relating to acts of formal confirmation shall be deposited with the Secretary-General of the United Nations.

## Article 83

## ACCESSION

1. The present Convention shall remain open for accession by any State, by Namibia, represented by the United Nations Council for Namibia, and by any international organization which has the capacity to conclude treaties.
2. An instrument of accession of an international organization shall contain a declaration that it has the capacity to conclude treaties.
3. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

<sup>46</sup> Official Records of the United Nations Conference on the Law of Treaties, First and Second Sessions, Vienna, 26 March-24 May 1968 and 9 April-22 May 1969, Documents of the Conference (United Nations publication, Sales No. E.70 V.5), p. 287.

## Article 84

## ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the . . . instrument of ratification or accession by States or by Namibia, represented by the United Nations Council for Namibia.
2. For each State or for Namibia, represented by the United Nations Council for Namibia, ratifying or acceding to the Convention after the condition specified in paragraph 1 has been fulfilled, the Convention shall enter into force on the thirtieth day after deposit by such State or by Namibia of its instrument of ratification or accession.
3. For each international organization depositing an instrument relating to an act of formal confirmation or an instrument of accession, the Convention shall enter into force on the thirtieth day after such deposit, provided that it shall not so enter into force before the Convention enters into force pursuant to paragraph 1.

## Article 85

## AUTHENTIC TEXTS

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.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, and duly authorized representatives of the United Nations Council for Namibia and of international organizations have signed the present Convention.

DONE AT VIENNA this . . . day of . . . one thousand nine hundred and eighty-six.

## 40/77. Report of the Committee on Relations with the Host Country

*The General Assembly,*

*Having considered* the report of the Committee on Relations with the Host Country,<sup>47</sup>

*Recalling* Article 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,<sup>48</sup>

*Recalling further* that the problems related to the privileges and immunities of all missions accredited to the United Nations, the security of the missions and the safety of their personnel are of great importance and concern to Member States, as well as the primary responsibility of the host country,

*Noting with deep concern* the continued acts violating the security and the safety of the personnel of those missions accredited to the United Nations,

*Recognizing* that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

*Having considered* the concerns regarding recent legislation of the host country pertaining to the travel of certain members of the Secretariat,

*Taking note* of the positions of the Secretary-General of the United Nations and the host country with regard to the application by the host country of the above-mentioned legislation,

1. *Endorses* the recommendations of the Committee on Relations with the Host Country contained in paragraph 56 of its report;<sup>47</sup>
2. *Strongly condemns* any terrorist and criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel;
3. *Urges* the host country to continue to take all necessary measures to ensure effectively the protection, security

<sup>47</sup> Official Records of the General Assembly, Fortieth Session, Supplement No. 26 (A/40/26).

<sup>48</sup> Resolution 22 A (1).

and safety of the missions accredited to the United Nations and their personnel, including practicable measures to prohibit illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts and activities against the security and safety of such missions and representatives;

4. *Reiterates* that adherence of all Member States to the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations<sup>49</sup> and to other relevant agreements is an indispensable condition for the normal functioning of the Organization and permanent missions in New York and underlines the necessity for avoiding any action not consistent with obligations in accordance with the Agreement and international law;

5. *Urges* the host country and the Secretary-General to seek a solution that is in accord with the Agreement with regard to the recent legislation adopted by the host country;

6. *Calls upon* countries, especially the host country, to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and all missions accredited to it in the strengthening of international peace and security;

7. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country and to continue to stress the importance of effective measures to avoid acts of terrorism, violence and harassment against the missions and their personnel, as well as the need for any pertinent legislation adopted by the host country to be in accord with the Agreement and its other relevant obligations;

8. *Requests* the Committee on Relations with the Host Country to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Report of the Committee on Relations with the Host Country".

*112th plenary meeting  
11 December 1985*

#### **40/78. 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, 34/147 of 17 Decem-

ber 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 and 39/88 of 13 December 1984,

*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>50</sup> thirty-ninth<sup>51</sup> and fortieth<sup>52</sup> sessions, as well as of 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 the session it held in 1985,<sup>53</sup>

*Taking into account* the work accomplished on the working paper on the prevention and removal of threats to the peace and of situations which may lead to international friction or give rise to a dispute,<sup>54</sup>

*Taking into account* the elaboration by the Special Committee of the outline for the handbook on the peaceful settlement of disputes between States and the conclusions thereon,<sup>20</sup>

*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 fulfilled 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 shall convene its next session from 7 April to 2 May 1986;

3. *Requests* the Special Committee at its session in 1986:

(a) To accord priority, by devoting more time, to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council, and to enable it to discharge fully its responsibilities under the Charter in this field; this necessitates the examination, *inter alia*, of the prevention and removal of threats to the peace and of situations which may lead to international friction or give rise to a dispute; the Special Committee will work on all questions with the aim of submitting its conclusions to the General Assembly, in accordance with paragraph 5 below, for the adoption of such recommendations as the Assembly deems appropriate; in doing so, the Special Committee should work expeditiously on the working paper on the prevention and removal of threats to the peace and of situations that may lead to international friction or give rise to a dispute, or any revision thereof, as well as other proposals which might be made on that question, with a view to completing its consideration thereof;

(b) To continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(i) To continue consideration of the proposal contained in the working papers on the establishment of a commission on good offices, mediation and conciliation;<sup>19</sup>

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

<sup>49</sup> Resolution 169 (II).

<sup>50</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).*

<sup>51</sup> *Ibid.*, Thirty-ninth Session, Supplement No. 1 (A/39/1).

<sup>52</sup> *Ibid.*, Fortieth Session, Supplement No. 1 (A/40/1).

<sup>53</sup> *Ibid.*, Supplement No. 33 (A/40/33 and Corr.1).

<sup>54</sup> *Ibid.*, sect. III.