

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 contemporary 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 thirty-ninth session;

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

3. *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, bearing in mind the desirability of reaching the goals indicated in paragraph 232 of its report;

4. *Expresses its satisfaction* with the establishment within the International Law Commission, in order to increase its effectiveness, of a Working Group on Methods of Work, and with the conclusions and intentions of the Commission concerning its procedures and methods of work, as set forth in chapter VI, section D of its report;

5. *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 to the attainment of the goals referred to in paragraph 3 above and also to a more effective consideration of its report in the Sixth Committee;

(c) To indicate 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;

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, and to this end decides that the Sixth Committee shall hold consultations at the commencement of the forty-third session of the General Assembly, including, *inter alia*, consultations on the question of establishing a working group, the character and mandate of which are to be determined, to meet during the debate on the report of the International Law Commission in order to allow for a concentrated discussion on one or more of the topics on the agenda of the Commission;

7. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 243 of its report, and ex-

presses 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 sessions³³ be maintained;

8. *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;

9. *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;

10. *Further urges* Governments to give full attention to the request of the International Law Commission, transmitted through the Secretary-General, for comments and observations before 1 January 1988 on the draft articles on jurisdictional immunities of States and their property³⁴ and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,³⁵ adopted on first reading by the Commission;

11. *Requests* the Secretary-General to update in a timely manner the "Survey of International Law"³⁶ of 1971 and to make the updated version available to the International Law Commission, and to bear in mind the desirability of updating it every five years thereafter;

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. *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, and appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars;

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-second session of the General Assembly and to prepare and distribute a topical summary of the debate.

94th plenary meeting
7 December 1987

42/157. 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 Strengthen-

³³ See resolution 3315 (XXIX), para. 5.

³⁴ See *Official Records of the General Assembly, Forty-first Session, Supplement No. 10 (A/41/10)*, chap. II, sect. D.

³⁵ *Ibid.*, chap. III, sect. D.

³⁶ *Yearbook of the International Law Commission, 1971*, vol. II (Part Two) (United Nations publication, Sales No. E.72.V.6 (Part II)), document A/CN.4/245.

ing of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,³⁷

Taking note of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,³⁸ thirty-ninth,³⁹ fortieth,⁴⁰ forty-first⁴¹ and forty-second sessions,⁴² 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 1987,⁴³

Expressing its appreciation for the progress achieved by the Special Committee during its 1987 session on the question of the prevention and removal of threats to peace and of situations that may lead to international friction or give rise to a dispute,

Noting with satisfaction that tangible progress has been achieved in the Special Committee on the proposal concerning the resort to a commission of good offices, mediation or conciliation within the United Nations,

Mindful of the efforts made in the elaboration of a draft handbook on the peaceful settlement of disputes between States,

Recognizing the importance that pre-session consultations among the members of the Special Committee and other interested States may have in facilitating the smooth conduct of the work of the Special Committee towards the fulfilment of its task, especially as regards the composition of the Bureau and the organization of work,

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 hold its next session from 22 February to 11 March 1988;

3. *Requests* the Special Committee at its session in 1988, taking into account the provisions of paragraph 5 below:

(a) To accord priority 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, in this context:

(i) To complete an appropriate draft document on the prevention and removal of threats to peace and of situations that may lead to international friction or give rise to a dispute, on the basis of the provisionally adopted paragraphs as well as other proposals set forth in paragraphs 37, 46 and 102 of the report of the Special Committee on its work at the 1987 session;⁴³

(ii) To submit the draft document to the General Assembly at its forty-third session;

(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 working paper⁴⁴ on the resort to a commission of good offices, mediation or conciliation within the United Nations, with a view to completing it and submitting conclusions thereon to the General Assembly at the earliest possible date;

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

4. *Requests* the Special Committee to keep the question of the rationalization of the procedures of the United Nations under active review;

5. *Also requests* the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

6. *Decides* that the Special Committee shall accept the participation of observers of Member States, including in the meetings of its working groups;

7. *Requests* the Secretary-General to render all assistance to the Special Committee;

8. *Requests* the Secretary-General to continue, on a priority basis, the preparation of a draft handbook on the peaceful settlement of disputes between States, 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 Committee⁴⁵ and in the Special Committee,⁴⁶ and to report to the Special Committee at its session in 1988 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;

9. *Requests* the Special Committee to submit a report on its work to the General Assembly at its forty-third session;

10. *Decides* to include in the provisional agenda of its forty-third session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

94th plenary meeting
7 December 1987

42/158. 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, 38/126 of 19 December 1983, 39/78 of 13 December 1984 and 41/84 of 3 December 1986, as well as its decision 40/419 of 11 December 1985,

³⁷ 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 and 41/83 of 3 December 1986.

³⁸ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).*

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

⁴⁰ *Ibid.*, *Fortieth Session, Supplement No. 1 (A/40/1).*

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

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

⁴³ *Ibid.*, *Supplement No. 33 (A/42/33).*

⁴⁴ A/AC.182/L.52/Rev.1.

⁴⁵ See *Official Records of the General Assembly, Forty-second Session, Sixth Committee, 23rd to 28th and 55th meetings, and corrigendum.*

⁴⁶ *Ibid.*, *Forty-second Session, Supplement No. 33 (A/42/33), sect. II.*