

Expressing its satisfaction at the completion of the work on the draft document on the resort to a commission of good offices, mediation or conciliation within the United Nations and at the recommendation of the Special Committee that it should be annexed to a decision to be adopted by the General Assembly at its present session,⁵⁰

Mindful of the desirability of further work being done by the Special Committee in the field of the peaceful settlement of disputes between States,

Noting with appreciation the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States,

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 12 February to 2 March 1990;

3. *Requests* the Special Committee, at its session in 1990, in accordance with 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 and, in this context, to consider:

(i) Primarily, the question of fact-finding activities by the United Nations on the basis of proposals and suggestions before it;

(ii) Other proposals relating to the maintenance of international peace and security that might be submitted to the Special Committee at its session in 1990;

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

(i) To consider proposals relating to this question that might be submitted to the Special Committee;

(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;⁵¹

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 in its meetings, including those of its working group;

7. *Requests* the Secretary-General to continue, on a priority basis, the preparation of the 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 Committee⁵² and in the Special Committee, and to report to the Special Committee at its session in 1990 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;

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

9. *Decides* to include in the provisional agenda of its forty-fifth 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".

72nd plenary meeting
4 December 1989

44/38. 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,⁵³

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations⁵⁴ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,⁵⁵

Recalling also that any 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,

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,

Conscious of the increased interest shown by Member States in participating in the work of the Committee,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 45 of its report;

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States and urges the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

3. *Expresses its appreciation* for the efforts made by the host country and hopes that outstanding problems raised at the meetings of the Committee will be duly settled in a spirit of co-operation and in accordance with international law;

4. *Urges* the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and the missions accredited to it;

5. *Stresses* the importance of a positive perception of the work of the United Nations, and urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

⁵⁰ *Ibid.*, sect. V.A, para. 123.

⁵¹ A/AC.182/L.61

⁵² See *Official Records of the General Assembly, Forty-fourth Session, Sixth Committee*, 7th to 15th and 44th meetings, and corrigendum.

⁵³ *Ibid.*, Forty-fourth Session, Supplement No. 26 (A/44/26).

⁵⁴ Resolution 22 A (I).

⁵⁵ See resolution 169 (II).

6. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

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

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

*72nd plenary meeting
4 December 1989*

44/39. International criminal responsibility of individuals and entities engaged in illicit trafficking in narcotic drugs across national frontiers and other transnational criminal activities: establishment of an international criminal court with jurisdiction over such crimes

The General Assembly,

Mindful that, in accordance with Article 13, paragraph 1, of the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recognizing that there is an established link between illicit trafficking in narcotic drugs and other organized criminal activities which endanger the constitutional order of States and violate basic human rights,

Mindful of the adoption on 19 December 1988 of the United Nations Convention against Illicit Traffic in Nar-

cotic Drugs and Psychotropic Substances,⁵⁶ which recognizes that illicit trafficking in narcotic drugs is an international criminal activity,

Bearing in mind 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 of international law and its codification,

1. *Requests* the International Law Commission, when considering at its forty-second session the item entitled "Draft Code of Crimes against the Peace and Security of Mankind", to address the question of establishing an international criminal court or other international criminal trial mechanism with jurisdiction over persons alleged to have committed crimes which may be covered under such a code, including persons engaged in illicit trafficking in narcotic drugs across national frontiers, and to devote particular attention to that question in its report on that session;

2. *Requests* the Secretary-General to transmit to the International Law Commission any views expressed by Member States pursuant to paragraph 3 of resolution 44/32 of 4 December 1989, as well as the summary records of the debate on the present agenda item during the forty-fourth session of the General Assembly;

3. *Decides* to consider the question of establishing an international criminal court or other international criminal trial mechanism at its forty-fifth session when examining the report of the International Law Commission.

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⁵⁶ E/CONF.82/15 and Corr.2.