

7. *Decides* that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-fifth session of the General Assembly, should continue to bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the work of the Commission;

8. *Recommends* that the debate on the report of the International Law Commission at the forty-fifth session of the General Assembly commence on 29 October 1990;

9. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 743 of its report, and expresses 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 sessions be maintained;

10. *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;

11. *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;

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. *Once again 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, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

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-fourth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate.

*72nd plenary meeting  
4 December 1989*

**44/36. Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto**

*The General Assembly,*

*Noting* that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, completed at its forty-first session the second reading of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and also

prepared a draft optional protocol on the status of the courier and the bag of special missions and a draft optional protocol on the status of the courier and the bag of international organizations of a universal character,<sup>39</sup>

*Taking note* of the recommendation of the International Law Commission that the General Assembly should convene an international conference of plenipotentiaries to study the draft articles concerned and the draft optional protocols thereto and to conclude a convention on the subject,<sup>40</sup>

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and to the Special Rapporteur on the topic for his contribution to this work;

2. *Decides* to hold informal consultations at the forty-fifth session of the General Assembly to study the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto, as well as the question of how to deal further with these draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect;

3. *Also decides* to include in the provisional agenda of its forty-fifth session an item entitled "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

*72nd plenary meeting  
4 December 1989*

**44/37. 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 Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,<sup>41</sup>

*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>42</sup> thirty-ninth,<sup>43</sup> fortieth,<sup>44</sup> forty-first,<sup>45</sup> forty-second,<sup>46</sup> forty-third<sup>47</sup> and forty-fourth<sup>48</sup> sessions, as well as 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 its session held in 1989,<sup>49</sup>

<sup>39</sup> *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 10 (A/44/10), chap. II.*

<sup>40</sup> *Ibid.*, para. 66.

<sup>41</sup> 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, 41/83 of 3 December 1986, 42/157 of 7 December 1987 and 43/170 of 9 December 1988.

<sup>42</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).*

<sup>43</sup> *Ibid.*, *Thirty-ninth Session, Supplement No. 1 (A/39/1).*

<sup>44</sup> *Ibid.*, *Fortieth Session, Supplement No. 1 (A/40/1).*

<sup>45</sup> *Ibid.*, *Forty-first Session, Supplement No. 1 (A/41/1).*

<sup>46</sup> *Ibid.*, *Forty-second Session, Supplement No. 1 (A/42/1).*

<sup>47</sup> *Ibid.*, *Forty-third Session, Supplement No. 1 (A/43/1).*

<sup>48</sup> *Ibid.*, *Forty-fourth Session, Supplement No. 1 (A/44/1).*

<sup>49</sup> *Ibid.*, *Supplement No. 33 (A/44/33).*

*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,<sup>50</sup>

*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;<sup>51</sup>

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 Committee<sup>52</sup> 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,<sup>53</sup>

*Recalling* Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations<sup>54</sup> and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,<sup>55</sup>

*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;

<sup>50</sup> *Ibid.*, sect. V.A, para. 123.

<sup>51</sup> A/AC.182/L.61

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

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

<sup>54</sup> Resolution 22 A (I).

<sup>55</sup> See resolution 169 (II).