

Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations,

Having considered the report of the Special Committee,¹⁶

Noting that the Special Committee has commenced work to accomplish the tasks assigned to it,

Taking into account that the Special Committee has not completed the mandate entrusted to it,

Reaffirming the need for universal and effective application of the principle of the non-use of force in international relations and for assistance by the United Nations in this endeavour,

1. *Takes note* of the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations;

2. *Decides* that the Special Committee shall continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate;

3. *Invites* the Governments which have not yet done so to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9;

4. *Requests* the Secretary-General to provide the Special Committee with the necessary facilities and services, including the preparation of summary records of its meetings;

5. *Invites* the Special Committee to submit a report on its work to the General Assembly at its thirty-fourth session;

6. *Decides* to include in the provisional agenda of its thirty-fourth session the item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".

*86th plenary meeting
16 December 1978*

33/97. Draft Code of Offences against the Peace and Security of Mankind

The General Assembly,

Recalling that the International Law Commission submitted a draft Code of Offences against the Peace and Security of Mankind in 1954,¹⁷

Recalling further that the General Assembly decided, by its resolutions 897 (IX) of 4 December 1954 and 1186 (XII) of 11 December 1957, to postpone the consideration of the item entitled "Draft Code of Offences against the Peace and Security of Mankind" until a definition of aggression had been adopted by the Assembly,

Bearing in mind that on 14 December 1974 the General Assembly adopted resolution 3314 (XXIX) entitled "Definition of Aggression",

Having considered the statements made during the debates on this item,

1. *Requests* the Secretary-General to invite Member States and relevant international intergovernmental organizations to submit their comments and observations on the draft Code of Offences against the Peace and Security of Mankind, including comments on the procedure to be adopted, not later than 31 December 1979, and to prepare a report to be submitted to the General Assembly at its thirty-fifth session;

2. *Also requests* the Secretary-General to circulate to Member States and relevant international intergovernmental organizations reports prepared for and by the International Law Commission, the summary records of the relevant debates in the General Assembly and all other relevant official documentation on the item;

3. *Decides* to include in the provisional agenda of its thirty-fifth session the item entitled "Draft Code of Offences against the Peace and Security of Mankind" and to accord it priority and the fullest possible consideration.

*86th plenary meeting
16 December 1978*

33/139. Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirtieth session,¹⁸

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States,¹⁹ and to give increased importance to its role in relations among States,

Noting with appreciation that at its thirtieth session the International Law Commission, pursuant to General Assembly resolution 32/151 of 19 December 1977, completed, in the light of the observations and comments of Member States, of organs of the United Nations, of the specialized agencies and of interested intergovernmental organizations, the second reading of its draft articles on most-favoured-nation clauses,

Noting further with appreciation the work done by the International Law Commission on State responsibility, succession of States in respect of matters other than treaties, treaties concluded between States and international organizations, as well as the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,

Taking note of the preliminary work done by the International Law Commission regarding the study of the law of the non-navigational uses of international watercourses, the second part of the topic "Relations between States and international organizations", international liability for injurious consequences arising out of acts not prohibited by international law and jurisdictional immunities of States and their property,

¹⁶ *Ibid.*, Supplement No. 41 (A/33/41 and Corr.1).

¹⁷ *Ibid.*, Ninth Session, Supplement No. 9 (A/2693), para. 54.

¹⁸ *Ibid.*, Thirty-third Session, Supplement No. 10 (A/33/10).

¹⁹ Resolution 2625 (XXV), annex.

Welcoming the considerations and recommendations contained in the report of the International Law Commission regarding the programme and methods of work of the Commission with a view to the timely and effective fulfilment of the tasks entrusted to it,

I

1. *Takes note* of the report of the International Law Commission on the work of its thirtieth session;

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

3. *Approves* the programme of work planned by the International Law Commission for 1979;

4. *Recommends* that the International Law Commission should:

(a) Continue its work on state responsibility with the aim of completing at least the first reading of the set of articles constituting part I of the draft on responsibility of States for internationally wrongful acts, within the present term of office of the members of the International Law Commission, taking into account the views expressed in debates in the General Assembly and the observations of Governments;

(b) Continue its work on succession of States in respect of matters other than treaties with the aim of completing, at its thirty-first session, the first reading of the draft articles on succession of States in respect of State property and State debts;

(c) Proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations with the aim of completing, as soon as possible, the first reading of these draft articles;

(d) Continue its work on the law of the non-navigational uses of international watercourses;

5. *Also recommends* that the International Law Commission should continue the study, including those issues it has already identified, concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, in the light of comments made during the debate on this item in the Sixth Committee at the thirty-third session of the General Assembly and comments to be submitted by Member States, with a view to the possible elaboration of an appropriate legal instrument, and invites all States to submit their written comments on the preliminary study carried out by the Commission concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier for their inclusion in the report of the Commission on the work of its thirty-first session;

6. *Further recommends* that the International Law Commission should continue its work on the remaining topics in its current programme;

7. *Expresses confidence* that the International Law Commission will continue to keep the progress of its work under review and to adopt the methods of work best suited to the speedy completion of the tasks entrusted to it;

8. *Endorses* the decision of the International Law Commission to request Governments to transmit their observations and comments on the provisions of chapters I, II and III of part I of the draft articles on State responsibility for internationally wrongful acts;

9. *Expresses its concern* over the necessity of strengthening the Codification Division of the Office of Legal Affairs of the Secretariat and, therefore, strongly reiterates the recommendation made in General Assembly resolution 32/151;

10. *Expresses the wish* that seminars continue to be held in conjunction with sessions of the International Law Commission and that an increasing number of participants from developing countries be given the opportunity to attend these seminars;

11. *Requests* the Secretary-General to forward to the International Law Commission for its attention the records of the discussion on the report of the Commission at the thirty-third session of the General Assembly;

II

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the most-favoured-nation clause and to the Special Rapporteurs on the topic for their contribution to this work;

2. *Invites* all States, organs of the United Nations which have competence in the subject-matter and interested intergovernmental organizations to submit, not later than 31 December 1979, their written comments and observations on chapter II of the report of the International Law Commission on the work of its thirtieth session and, in particular, on:

(a) The draft articles on most-favoured-nation clauses adopted by the International Law Commission;

(b) Those provisions relating to such clauses on which the International Law Commission was unable to take decisions;

and requests States to comment on the recommendation of the International Law Commission that those draft articles should be recommended to Member States with a view to the conclusion of a convention on the subject;

3. *Requests* the Secretary-General to circulate, before the thirty-fifth session of the General Assembly, the comments and observations submitted in accordance with paragraph 2 above;

4. *Decides* to include in the provisional agenda of its thirty-fifth session an item entitled "Consideration of the draft articles on most-favoured-nation clauses".

89th plenary meeting
19 December 1978

33/140. Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961

The General Assembly,

Taking note of the report of the Secretary-General²⁰ on the implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961,²¹

Recalling its resolutions 3501 (XXX) of 15 December 1975 and 31/76 of 13 December 1976,

Noting with satisfaction that the number of States parties to the Vienna Convention on Diplomatic Rela-

²⁰ A/33/224.

²¹ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.