

Taking note of the reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization³⁸ and of the Working Group on the Peaceful Settlement of Disputes,³⁹

Taking note also of the progress made in the Special Committee and in the Working Group in the elaboration of the draft Manila declaration on the peaceful settlement of international disputes,

Taking into account the opinions expressed during the examination at its thirty-sixth session of the question of the peaceful settlement of disputes between States,

1. *Calls again upon* all States to adhere strictly in their international relations to the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

2. *Considers* that the question of the peaceful settlement of disputes should represent one of the central concerns for States and that, to this end, the efforts for examining and further developing the principle of peaceful settlement of disputes between States and the means of consolidating its full observance by all States in their international relations should be continued;

3. *Considers also* that the elaboration, as soon as possible, of a declaration of the General Assembly on the peaceful settlement of international disputes is likely to enhance the observance of the principle of peaceful settlement of disputes and to contribute to the strengthening of the role of the United Nations in preventing conflicts and settling them peacefully;

4. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to finalize the draft Manila declaration on the peaceful settlement of international disputes with a view to its consideration and adoption by the General Assembly, and to submit it to the Assembly at its thirty-seventh session;

5. *Refers* to the Special Committee the report of its Working Group on the Peaceful Settlement of Disputes, as well as the views expressed at the thirty-sixth session of the General Assembly on the contents of the declaration;

6. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Peaceful settlement of disputes between States".

92nd plenary meeting
10 December 1981

36/111. Consideration of the draft articles on most-favoured-nation clauses

The General Assembly,

Recalling its resolution 33/139 of 19 December 1978 relating to the report of the International Law Commission on the work of its thirtieth session,⁴⁰ in particular section II of the resolution,

Recalling also its resolution 35/161 of 15 December 1980, entitled "Consideration of the draft articles on most-favoured-nation clauses",

Reaffirming its appreciation of the high quality of the work done by the International Law Commission in elaborating a series of draft articles on most-favoured-nation clauses,

³⁸ *Ibid.*, Thirty-sixth Session, Supplement No. 33 (A/36/33).

³⁹ A/C.6/36/L.19.

⁴⁰ *Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/33/10).*

Bearing in mind the importance of facilitating international trade and development of economic co-operation among all States on the basis of equality, mutual advantage and non-discrimination in the establishment of the new international economic order,

Having considered the item entitled "Consideration of the draft articles on most-favoured-nation clauses", including the report of the Secretary-General⁴¹ and the analytical compilation of comments and observations from Governments, organs of the United Nations which have competence in the subject-matter and interested intergovernmental organizations,⁴² submitted pursuant to paragraphs 3 and 4 of General Assembly resolution 35/161,

Taking note of the comments and observations submitted, in particular those relating to outstanding issues,

Aware of the fact that more replies from States and interested intergovernmental agencies are needed,

1. *Requests* the Secretary-General to reiterate his invitation to Member States, relevant organs of the United Nations, such as the regional commissions and the United Nations Commission on International Trade Law, as well as interested intergovernmental organizations, to submit or bring up to date, not later than 30 June 1983, any written comments and observations which they deem appropriate on chapter II of the report of the International Law Commission on the work of its thirtieth session, 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 a decision;

and also 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;

2. *Decides* to consider the substance of the draft articles on most-favoured-nation clauses, together with any amendments thereto, at its thirty-eighth session with a view to taking a decision thereon;

3. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Consideration of the draft articles on most-favoured-nation clauses" and to consider it as a matter of priority.

92nd plenary meeting
10 December 1981

36/112. Review of the multilateral treaty-making process

The General Assembly,

Bearing in mind that multilateral treaties are an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Recalling its resolution 35/162 of 15 December 1980, in which it invited Governments and international organizations to submit their observations on the report of the Secretary-General submitted to the General Assembly at its thirty-fifth session,⁴³ as well as their comments on any other aspect of the subject,

⁴¹ A/36/145.

⁴² A/36/146.

⁴³ A/35/312 and Corr.1.

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

Taking into account statements made at the current session during the debate on this item in the Sixth Committee,⁴⁴

1. Takes note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth⁴³ and thirty-sixth⁴⁵ sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process;⁴⁶

2. Decides, in the light of statements made on this item at the thirty-sixth session of the General Assembly, to establish at the thirty-seventh session a working group of the Sixth Committee;

(a) To consider the questions raised in annex I of the report of the Secretary-General to the General Assembly at its thirty-sixth session⁴⁵ and any other relevant material submitted by Governments and international organizations;

(b) To assess the methods of multilateral treaty-making used in the United Nations and in conferences convened under its auspices to determine whether the current methods of multilateral treaty-making are as efficient, economical and effective as they could be to meet the needs of the Member States;

(c) To make recommendations on the basis of the above-mentioned assessment;

3. Invites Governments and international organizations to submit by 30 June 1982 their observations on the reports submitted by the Secretary-General, taking into account the specific questions contained in annex I of the report submitted to the General Assembly at its thirty-sixth session, as well as their comments on any other aspect of the subject, as they consider desirable;

4. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report containing the observations and comments received pursuant to paragraph 3 above;

5. Also requests the Secretary-General to prepare documentation containing the material and information listed in annex II of the report of the Secretary-General to the General Assembly at its thirty-sixth session, in the form of a provisional version of a volume in the *Legislative Series*, as well as a topical analysis of the observations and replies received, in time for use by the working group referred to in paragraph 2 above;

6. Further requests the Secretary-General to prepare and publish as soon as possible new editions of the *Handbook of Final Clauses*⁴⁷ and the *Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements*,⁴⁸ taking into account relevant new developments and practices in that respect;

7. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Review of the multilateral treaty-making process".

92nd plenary meeting
10 December 1981

36/113. United Nations Conference on Succession of States in respect of State Property, Archives and Debts

The General Assembly.

Having considered chapter II of the report of the International Law Commission on the work of its thirty-third session⁴⁹ which contains final draft articles and commentaries on succession of States in respect of State property, archives and debts,

Noting that the International Law Commission at its first session in 1949 listed succession of States and Governments among the topics of international law selected for codification, that at its fourteenth session in 1962, pursuant to General Assembly resolution 1686 (XVI) of 18 December 1961, it included the topic on its priority list and that at its fifteenth session in 1963 the Commission endorsed the objective of preparing draft articles on the topic,

Recalling that in its resolutions 1765 (XVII) of 20 November 1962, 1902 (XVIII) of 18 November 1963, 2045 (XX) of 8 December 1965, 2167 (XXI) of 5 December 1966, 2272 (XXII) of 1 December 1967, 2400 (XXIII) of 11 December 1968 and 2501 (XXIV) of 12 November 1969, the General Assembly recommended that the International Law Commission should continue the work of codification and progressive development of succession of States and Governments, taking into account the views expressed in the General Assembly and the comments submitted by Governments with appropriate reference to the views of States which have achieved independence since the Second World War,

Recalling further that, by its resolution 3496 (XXX) of 15 December 1975, the General Assembly decided to convene a conference of plenipotentiaries to consider the International Law Commission's draft articles on succession of States in respect of treaties and to embody the results of its work in an international convention and such other instruments as it might deem appropriate,

Noting also that the Vienna Convention on Succession of States in respect of Treaties⁵⁰ was adopted on 23 August 1978,

Noting further that, subsequent to the adoption of General Assembly resolutions 2634 (XXV) of 12 November 1970, 2780 (XXVI) of 3 December 1971, 2926 (XXVII) of 28 November 1972, 3071 (XXVIII) of 30 November 1973, 3315 (XXIX) of 14 December 1974, 3495 (XXX) of 15 December 1975, 31/97 of 15 December 1976 and 32/151 of 19 December 1977, the International Law Commission, pursuant to General Assembly resolutions 33/139 of 19 December 1978, 34/141 of 17 December 1979 and 35/163 of 15 December 1980, completed at its thirty-third session its draft articles on succession of States in respect of State property, archives and debts,⁵¹

Recalling that, as stated in paragraph 86 of the report of the International Law Commission on the work of its thirty-third session, the Commission decided to recommend that the General Assembly should convene an international conference of plenipotentiaries to study the Commission's draft articles on succession of States in respect of State property, archives and debts and to conclude a convention on the subject,

⁴⁴ Official Records of the General Assembly, Thirty-sixth Session, Sixth Committee, 54th-57th, 63rd and 64th meetings; and *ibid.*, Sixth Committee, Sessional Fascicle, corrigendum.

⁴⁵ A/36/553.

⁴⁶ A/36/553/Add.1 and 2.

⁴⁷ ST/LEG/6.

⁴⁸ ST/LEG/7.

⁴⁹ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10 (A/36/10 and Corr.1).

⁵⁰ Official Records of the United Nations Conference on Succession of States in Respect of Treaties, vol. III, Documents of the Conference (United Nations publication, Sales No. E.79.V.10), p. 185.

⁵¹ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10 (A/36/10 and Corr.1), chap. II, sect. D.