

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

8. *Invites* Governments to submit or to bring up to date, if they deem it necessary, their observations and proposals, in accordance with General Assembly resolution 3499 (XXX);

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

10. *Requests* the Secretary-General to prepare, 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 and in the Special Committee, a draft handbook on the peaceful settlement of disputes between States, and to report to the Special Committee at its session in 1985 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;

11. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fortieth session;

12. *Decides* to include in the provisional agenda of its fortieth 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".

99th plenary meeting  
13 December 1984

## B

### *The General Assembly,*

*Recalling* its resolution 2837 (XXVI) of 17 December 1971 on the rationalization of the procedures and organization of the General Assembly,

*Having considered* the conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in paragraph 151 of its report on the work of the session it held in 1984,<sup>39</sup>

*Conscious* of the need to discharge in the most efficient manner the functions incumbent upon it under the Charter of the United Nations,

1. *Approves* the conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization as set forth in the annex to the present resolution;

2. *Decides* that the conclusions referred to in paragraph 1 above shall be reproduced as an annex to the rules of procedure of the General Assembly.

99th plenary meeting  
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## ANNEX

### **Conclusions of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization concerning the rationalization of the procedures of the General Assembly**

1. The agenda of the sessions of the General Assembly should be simplified as much as possible by grouping or merging related items, after consultation and with the agreement of the delegations concerned.<sup>43</sup>

<sup>43</sup> The view was expressed that the agreement of the delegations concerned was not an essential condition.

<sup>44</sup> The view was expressed that this recommendation was not intended to have any financial implications whatsoever and was approved subject to that condition.

2. Specific items should be referred, where relevant, to other United Nations organs or to specialized agencies. The right of States to request that specific items be discussed in the General Assembly should remain unimpaired.

3. The recommendation in paragraph 28 of annex V to the rules of procedure of the General Assembly, according to which the Assembly should ensure, as far as possible, that the same questions, or the same aspects of a question, are not considered by more than one Main Committee, should be more fully implemented, except when it would be helpful for the Sixth Committee to be consulted on the legal aspects of questions under consideration by other Main Committees.

4. The General Committee should play more fully its role under rule 42 of the rules of procedure and paragraphs 1 and 2 of General Assembly decision 34/401, reviewing periodically the work of the Assembly and making the necessary recommendations.

5. The Chairmen of the Main Committees should take the initiative, in the light of past experience, to propose the grouping of similar or related items and the holding of a single general debate on them.

6. The Chairmen of the Main Committees should propose to the Committee the closing of the list of speakers on each item at a suitably early stage.

7. Agreed programmes of work should be respected. To this end, meetings should start at the scheduled time and the time allotted for meetings should be fully utilized.

8. The officers of each Main Committee should review periodically the progress of work. In case of need, they should propose appropriate measures to ensure that the work remains on schedule.

9. Negotiation procedures should be carefully selected to suit the particular subject-matter.

10. The Secretariat should facilitate informal consultations by providing adequate conference services.<sup>44</sup>

11. The mandate of subsidiary organs should be carefully defined in order to avoid overlapping and duplication of work. The General Assembly should also review periodically the usefulness of its subsidiary organs.

12. Resolutions should be as clear and succinct as possible.

### **39/89. Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally**

#### *The General Assembly,*

*Recalling* its resolution 36/167 of 16 December 1981, whereby it decided, *inter alia*, that appropriate measures should be taken to finalize the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally,

*Noting*, in this connection, that the work of the Commission on Human Rights on the draft Convention on the Rights of the Child is soon to be completed,

*Bearing in mind* the reports of the Secretary-General of 8 September 1980,<sup>45</sup> 19 October 1982,<sup>46</sup> 6 October 1983<sup>47</sup> and 10 September 1984,<sup>48</sup> containing the views of Member States on the text of the draft Declaration,

*Fully aware* of the sovereign right of Governments to define their national and international policies in accordance with their legal systems as regards the protection and welfare of children, including foster placement, adoption and guardianship, as appropriate,

*Bearing in mind* the existence of different national legislation in the field of the protection and welfare of children,

*Recognizing* that it is the responsibility of Governments to determine the adequacy of their national services for

<sup>45</sup> A/35/336.

<sup>46</sup> A/37/146.

<sup>47</sup> A/38/389 and Add.1-3.

<sup>48</sup> A/39/442 and Add.1.

children and to recognize those children whose needs are not being met by existing services,

*Noting* the usefulness of regional co-operation in matters regarding the well-being of children,

*Recognizing* that the best child welfare is good family welfare and that, when family care is unavailable or inappropriate, substitute family care should be considered, in conformity with national legislation,

*Convinced* that adoption of the draft Declaration will promote the well-being of children with special needs,

1. *Appeals* to Member States representing different legal systems to undertake consultations on the draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, with a view to finding out the extent to which they would join the common endeavour of completing the work thereon;

2. *Also appeals* to the Member States that will take part in the consultations to submit, before the forty-first session of the General Assembly, a paper containing their common conclusions on the matter, including, if appropriate, their suggestions as to the procedure and forum for future work;

3. *Requests* the Secretary-General to circulate the paper referred to in paragraph 2 above to Member States with a view to obtaining their comments thereon, including their views as to the procedure and forum for future work, and to submit a report to the General Assembly at its forty-first session;

4. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally".

99th plenary meeting  
13 December 1984

### 39/90. Review of the multilateral treaty-making process

*The General Assembly,*

*Bearing in mind* that multilateral treaties are an important means of ensuring co-operation among States and 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,

*Aware* of the responsibility which active involvement in the process of multilateral treaty-making places on Governments,

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

*Conscious* of the desirability of consolidating and disseminating information on the procedures followed by the United Nations in the preparation and formulation of the text of multilateral treaties,

*Taking into account* that in certain important and specialized areas interested parties have developed methods of negotiation of proven and continued value,

*Bearing in mind* the important contribution of the International Law Commission to the preparation of multilateral treaties during the past thirty-six years,

*Aware* that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making,

*Having taken note* of the report of the Secretary-General on the review of the multilateral treaty-making process submitted to the General Assembly at its thirty-fifth session<sup>49</sup> and of the views of Governments and of the International Law Commission contained in the addenda thereto,<sup>50</sup>

*Having taken note also* of the subsequent reports of the Secretary-General submitted to the General Assembly at its thirty-sixth<sup>51</sup> and thirty-seventh<sup>52</sup> sessions and of the replies and observations made by Governments and international organizations,<sup>53</sup>

*Having considered* the statements made at the current session during the debate in the Sixth Committee,<sup>54</sup>

*Noting* that the Working Group on the Review of the Multilateral Treaty-making Process, first established in accordance with General Assembly resolution 36/112 of 10 December 1981, concluded its mandate, and taking note of the report of the Working Group, together with its final document on the review of the multilateral treaty-making process,<sup>55</sup>

1. *Expresses its appreciation* to the Working Group on the Review of the Multilateral Treaty-making Process for the completion of its mandate and for its final document;

2. *Requests* the Secretary-General to circulate to all States Members the final document of the Working Group on the Review of the Multilateral Treaty-making Process;

3. *Recommends* to all States which are considering the initiation of a multilateral treaty within the framework of the United Nations to give consideration to the procedures set out in the final document of the Working Group on the Review of the Multilateral Treaty-making Process;

4. *Also requests* the Secretary-General to prepare, for information and possible use by Governments, a handbook on multilateral treaty-making as described in paragraph 18 of the final document of the Working Group on the Review of the Multilateral Treaty-making Process, to be made available within two years;

5. *Further requests* the Secretary-General:

(a) To examine, together with the specialized and related agencies, and other international organizations exercising depositary functions, the feasibility and financial implications of consolidating, in a similar way to the volumes entitled *Multilateral Treaties Deposited with the Secretary-General*,<sup>56</sup> the information regarding depositary functions performed by these international organizations;

(b) To hold consultations on the feasibility and financial implications of publishing, at regular intervals, consolidated information regarding depositary functions performed by Governments;

(c) To examine the regulations in force for giving effect to Article 102 of the Charter of the United Nations, with a view to their possible up-dating;

<sup>49</sup> A/35/312 and Corr.1.

<sup>50</sup> A/35/312/Add.1 and 2 and Add.2/Corr.1

<sup>51</sup> A/36/553.

<sup>52</sup> A/37/444.

<sup>53</sup> A/36/553/Add.1 and 2 and A/37/444 Add.1.

<sup>54</sup> See *Official Records of the General Assembly, Thirty-ninth Session, Sixth Committee*, 59th, 60th and 64th meetings.

<sup>55</sup> A/C.6/39/L.12, annex.

<sup>56</sup> ST/LEG/SER.E/2 and Add.1.