

Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

Convinced that the fulfilment of the mandate of the Commission, in particular the preparation of universally acceptable legal texts, requires the active participation of representatives from all regions and the various legal and economic systems in an equitable manner, and that representatives need to have special expertise in the field of international trade law, in view of the complex and technical nature of the work of the Commission and its working groups,

Bearing in mind the arrangements on reimbursement of travel expenses that exist for certain United Nations bodies, pursuant to section IX of its resolution 43/217 of 21 December 1988,

1. *Takes note* of the report of the Secretary-General on possible ways of assisting developing countries to attend meetings of the United Nations Commission on International Trade Law;³⁶

2. *Requests* the Fifth Committee, in order to ensure full participation by all Member States, to consider granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, as well as, on an exceptional basis, to other developing countries that are members of the Commission at their request, in consultation with the Secretary-General, to enable them to participate in the sessions of the Commission and its working groups;

3. *Recommends* that the Commission rationalize the organization of its work and consider, in particular, the holding of consecutive meetings of its working groups;

4. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its forty-seventh session.

*67th plenary meeting
9 December 1991*

46/57. 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,

Recalling its resolution 44/36 of 4 December 1989, in which it noted that the International Law Commission, taking into account the written comments of Governments and views expressed in debates in the Assembly, had 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 had 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;³⁷

Recalling also its resolution 45/43 of 28 November 1990, by which it decided that the informal consultations that were held at its forty-fifth session would be resumed at its forty-sixth session,

1. *Expresses its satisfaction* at the useful informal consultations that were accordingly held at its forty-sixth session to study the draft articles on the status of the diplo-

matic 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 those draft instruments with a view to facilitating the reaching of a generally acceptable decision in the latter respect, and takes note of the report of the Vice-Chairman of the Sixth Committee who presided over those consultations;³⁸

2. *Decides* that these informal consultations will be resumed at its forty-seventh session;

3. *Also decides* to include in the provisional agenda of its forty-seventh session the 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".

*67th plenary meeting
9 December 1991*

46/58. 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;³⁹

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,⁴⁰ thirty-ninth,⁴¹ fortieth,⁴² forty-first,⁴³ forty-second,⁴⁴ forty-third,⁴⁵ forty-fourth,⁴⁶ forty-fifth⁴⁷ and forty-sixth⁴⁸ 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 1991,⁴⁹

Expressing its satisfaction at the completion of the work on the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,⁵⁰

Mindful of the desirability of further work being done by the Special Committee in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals presented to the General Assembly at its forty-sixth session aimed at strengthening the role of the Organization and enhancing its effectiveness,

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;⁴⁹

2. *Expresses its appreciation* to the Secretary-General for the completion of the Handbook on the Peaceful Settlement of Disputes between States⁵¹ and requests him to publish and disseminate it widely in all the official languages of the United Nations;

3. *Decides* that the Special Committee will hold its next session from 3 to 21 February 1992;

4. *Requests* the Special Committee, at its session in 1992, 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 the proposal on the enhancement of cooperation between the United Nations and regional organizations, as well as other specific proposals relating to the maintenance of international peace and security which might be submitted to the Special Committee at its session in 1992;

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

(i) To consider the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To consider other specific proposals relating to the question of the peaceful settlement of disputes between States that might be submitted to the Special Committee at its session in 1992;

(c) To consider various proposals with the aim of strengthening the role of the Organization and enhancing its effectiveness;

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 Special Committee to submit a report on its work to the General Assembly at its forty-seventh session;

8. *Decides* to include in the provisional agenda of its forty-seventh 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".

*67th plenary meeting
9 December 1991*

46/59. Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security

The General Assembly,

Recalling its resolutions 43/170 of 9 December 1988, 44/37 of 4 December 1989 and 45/44 of 28 November 1990,

Taking 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,⁴⁹ which met in New York from 4 to 22 February 1991 and completed a draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security,

Convinced that the adoption of the draft Declaration will contribute to strengthening the role of the United Nations and enhancing its effectiveness in maintaining international peace and security,

Considering the need to ensure a wide dissemination of the text of the Declaration,

Considering the Declaration to be an important and concrete contribution of the Special Committee to the United Nations Decade of International Law,

1. *Approves* the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, the text of which is annexed to the present resolution;

2. *Expresses* its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. *Requests* the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, and the Security Council, of the adoption of the Declaration;

4. *Urges* that all efforts be made so that the Declaration becomes generally known and fully implemented.

*67th plenary meeting
9 December 1991*

ANNEX

Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security

The General Assembly,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,⁷ the Manila Declaration on the Peaceful Settlement of International Disputes,⁵² the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations,⁵³ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,⁵⁴ and their provisions regarding fact-finding,

Emphasizing that the ability of the United Nations to maintain international peace and security depends to a large extent on its acquiring detailed knowledge about the factual circumstances of any dispute or situation, the continuance of which might threaten the maintenance of international peace and security (hereinafter, "disputes or situations"),

Recognizing that the full use and further improvement of the means for fact-finding of the United Nations could contribute to the strengthening of the role of the United Nations in the maintenance of international peace and security and promote the peaceful settlement of disputes, as well as the prevention and removal of threats to peace,

Desiring to encourage States to bear in mind the role that competent organs of the United Nations can play in ascertaining the facts in relation to disputes or situations,

Recognizing the particular usefulness of fact-finding missions that the competent United Nations organs may undertake in this respect,

Bearing in mind the experience and expertise acquired by the United Nations in the field of fact-finding missions,

Recognizing the need for States, in exercising their sovereignty, to cooperate with the relevant organs of the United Nations as regards fact-finding missions undertaken by them,

Seeking to contribute to the effectiveness of the United Nations, with a view to enhancing mutual understanding, trust and stability in the world,

Solemnly declares that:

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1. In performing their functions in relation to the maintenance of international peace and security, the competent organs of the United Nations should endeavour to have full knowledge of all relevant facts. To this end they should consider undertaking fact-finding activities.

2. For the purpose of the present Declaration fact-finding means any activity designed to obtain detailed knowledge of the relevant facts of any dispute or situation which the competent United Nations organs need in