

Law the records of the discussions at the twenty-sixth session of the General Assembly on the Commission's report on the work of its fourth session.

*1986th plenary meeting,  
17 November 1971.*

## 2780 (XXVI). Report of the International Law Commission

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its twenty-third session,<sup>5</sup>

*Emphasizing* the need for the further codification and progressive development of international law in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and to give increased importance to its role in relations among nations,

*Recalling* the recommendations it made in resolution 2634 (XXV) of 12 November 1970 concerning the codification and progressive development of the rules of international law governing the representation of States in their relations with international organizations, succession of States, State responsibility, the most-favoured-nation clause and the question of treaties concluded between States and international organizations or between two or more international organizations,

*Noting with satisfaction* that at its twenty-third session, in 1971, the International Law Commission, in the light of the observations and comments of Member States, Switzerland and the secretariats of various international organizations and taking into account the relevant resolutions and debates of the General Assembly, revised the provisional draft articles on the representation of States in their relations with international organizations, prepared at its twentieth, twenty-first and twenty-second sessions, and finally adopted the draft articles as the basis of a convention,

*Believing* that the Vienna Convention on Diplomatic Relations,<sup>6</sup> the Vienna Convention on Consular Relations<sup>7</sup> and the Convention on Special Missions<sup>8</sup> constitute instruments the purpose of which is to contribute to the fostering of friendly relations among nations, irrespective of their constitutional and social systems, and that it is desirable to conclude a convention on the representation of States in their relations with international organizations,

*Recognizing* the views expressed by the International Law Commission in paragraphs 133 and 134 of its report, in particular those on the importance and urgency of dealing with the problem of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law,

*Noting with appreciation* that the United Nations Office at Geneva organized, during the twenty-third session of the International Law Commission, a seventh session of the Seminar on International Law,

<sup>5</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 10 (A/8410/Rev.1).

<sup>6</sup> United Nations, *Treaty Series*, vol. 500 (1964), No. 7310.

<sup>7</sup> United Nations, *Treaty Series*, vol. 596 (1967), No. 8638.

<sup>8</sup> See resolution 2530 (XXIV), annex.

## I

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

2. *Expresses its appreciation* to the International Law Commission for the work it accomplished at its twenty-third session;

3. *Approves* the programme and organization of work of the twenty-fourth session of the International Law Commission to be held in 1972, including the decision to place on the provisional agenda of that session an item entitled "Review of the Commission's long-term programme of work: 'Survey of International Law' prepared by the Secretary-General";

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

(a) Continue its work on succession of States, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962 and 1902 (XVIII) of 18 November 1963, with a view to completing in 1972 the first reading of draft articles on succession of States in respect of treaties and making progress in the consideration of succession of States in respect of matters other than treaties;

(b) Continue its work on State responsibility, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) of 20 November 1962, 1902 (XVIII) of 18 November 1963 and 2400 (XXIII) of 11 December 1968, with a view to making in 1972 substantial progress in the preparation of draft articles on the topic;

(c) Continue its study of the most-favoured-nation clause;

(d) Continue its consideration of the question of treaties concluded between States and international organizations or between two or more international organizations;

5. *Recommends further* that the International Law Commission, in the light of its scheduled programme of work, decide upon the priority to be given to the topic of the law of the non-navigational uses of international watercourses;

6. *Expresses the wish* that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of jurists of developing countries;

7. *Requests* the Secretary-General to forward to the International Law Commission the records of the discussion on the report of the Commission at the twenty-sixth session of the General Assembly;

## II

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the question of representation of States in their relations with international organizations and to the Special Rapporteur on the topic for his contribution to this work;

2. *Invites* Member States and Switzerland as a host State to submit, not later than 1 June 1972, their written comments and observations on the draft articles on representation of States in their relations with international organizations, and on the procedure to be adopted for the elaboration and conclusion of a convention on the subject;

3. *Invites also* the Secretary-General and the executive heads of the specialized agencies and the International Atomic Energy Agency to submit within the same period their written comments and observations on the said draft articles;

4. *Requests* the Secretary-General to circulate, before the twenty-seventh session of the General Assembly, the comments and observations submitted in accordance with paragraphs 2 and 3 above;

5. *Expresses its desire* that an international convention be elaborated and concluded expeditiously on the basis of the draft articles adopted by the International Law Commission and in the light of the comments and observations submitted in accordance with paragraphs 2 and 3 above;

6. *Decides* to include in the provisional agenda of its twenty-seventh session an item entitled "Representation of States in their relations with international organizations";

### III

1. *Requests* the Secretary-General to invite comments from Member States before 1 April 1972 on the question of the protection of diplomats and to transmit them to the International Law Commission at its twenty-fourth session;

2. *Requests* the International Law Commission to study as soon as possible, in the light of the comments of Member States, the question of the protection and inviolability of diplomatic agents and other persons entitled to special protection under international law, with a view to preparing a set of draft articles dealing with offences committed against diplomats and other persons entitled to special protection under international law for submission to the General Assembly at the earliest date which the Commission considers appropriate.

*1999th plenary meeting,  
3 December 1971.*

#### 2781 (XXVI). Report of the Special Committee on the Question of Defining Aggression

*The General Assembly,*

*Having considered* the report of the Special Committee on the Question of Defining Aggression on the work of its session held in New York from 1 February to 5 March 1971,<sup>9</sup>

*Taking note* of the progress made by the Special Committee in its consideration of the question of defining aggression and on the draft definition, as reflected in the report of the Special Committee,

*Considering* that it was not possible for the Special Committee to complete its task at its session held in 1971,

*Considering* that in its resolutions 2330 (XXII) of 18 December 1967, 2420 (XXIII) of 18 December 1968, 2549 (XXIV) of 12 December 1969 and 2644 (XXV) of 25 November 1970 the General Assembly recognized the widespread conviction of the need to expedite the definition of aggression,

*Considering* the urgency of bringing the work of the Special Committee to a successful conclusion and the

<sup>9</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 19 (A/8419).

desirability of achieving the definition of aggression as soon as possible,

*Noting also* the common desire of the members of the Special Committee to continue their work on the basis of the results achieved and to arrive at a draft definition,

1. *Decides* that the Special Committee on the Question of Defining Aggression shall resume its work, in accordance with General Assembly resolution 2330 (XXII), as early as possible in 1972;

2. *Requests* the Secretary-General to provide the Special Committee with the necessary facilities and services;

3. *Decides* to include in the provisional agenda of its twenty-seventh session an item entitled "Report of the Special Committee on the Question of Defining Aggression".

*1999th plenary meeting,  
3 December 1971.*

#### 2818 (XXVI). Review of the role of the International Court of Justice

*The General Assembly,*

*Recalling* that the International Court of Justice is the principal judicial organ of the United Nations,

*Recalling further* that, in accordance with Article 2, paragraph 3, of the Charter of the United Nations, all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

*Emphasizing* that, in conformity with that principle, as solemnly proclaimed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, judicial settlement is one of the means to which States can have recourse in seeking a just settlement of their disputes,

*Considering* the desirability of finding ways and means of enhancing the effectiveness of the Court,

*Noting* that the Court has undertaken a revision of its Rules,

*Having noted* the report of the Secretary-General<sup>10</sup> containing the replies received from certain Member States and from Switzerland to the questionnaire prepared in accordance with General Assembly resolution 2723 (XXV) of 15 December 1970 and the text of the letter addressed to the Secretary-General by the President of the Court,

1. *Invites* Member States and States parties to the Statute of the International Court of Justice which have not yet been able to do so to transmit to the Secretary-General, by 1 July 1972, their comments on the questionnaire prepared in accordance with General Assembly resolution 2723 (XXV);

2. *Requests* the Secretary-General to submit those comments to the General Assembly at its twenty-seventh session;

3. *Also requests* the Secretary-General to transmit to the Court the above-mentioned report,<sup>10</sup> together with the summary records of the discussions held in the Sixth Committee on this subject at the twenty-sixth session;

<sup>10</sup> A/8382 and Add.1-4.