

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,<sup>44</sup>

1. Takes note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth<sup>43</sup> and thirty-sixth<sup>45</sup> sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process;<sup>46</sup>

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 session<sup>45</sup> 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*<sup>47</sup> and the *Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements*,<sup>48</sup> 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 session<sup>49</sup> 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 Treaties<sup>50</sup> 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,<sup>51</sup>

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,

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

<sup>45</sup> A/36/553.

<sup>46</sup> A/36/553/Add.1 and 2.

<sup>47</sup> ST/LEG/6.

<sup>48</sup> ST/LEG/7.

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

<sup>50</sup> 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.

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

*Mindful* of Article 13, paragraph 1 *a*, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

*Believing* that the successful codification and progressive development of the rules of international law governing succession of States in respect of State property, archives and debts would contribute to the development of friendly relations and co-operation among States, irrespective of their differing constitutional and social systems, and would assist in promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter,

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the question of succession of States in respect of State property, archives and debts, and to the Special Rapporteur on the topic for his contribution to this work;

2. *Decides* that an international conference of plenipotentiaries shall be convened to consider the draft articles on succession of States in respect of State property, archives and debts, and to embody the results of its work in an international convention and such other instruments as it may deem appropriate;

3. *Requests* the Secretary-General to convene the United Nations Conference on Succession of States in respect of State Property, Archives and Debts early in 1983 at a place to be determined by the General Assembly at its thirty-seventh session;

4. *Invites* Member States to submit, not later than 1 July 1982, their written comments and observations on the final draft articles on succession of States in respect of State property, archives and debts, prepared by the International Law Commission;

5. *Requests* the Secretary-General to circulate such comments so as to facilitate the discussion on the subject at the thirty-seventh session of the General Assembly;

6. *Decides* to include in the provisional agenda of its thirty-seventh session an item entitled "United Nations Conference on Succession of States in respect of State Property, Archives and Debts".

*92nd plenary meeting  
10 December 1981*

### **36/114. Report of the International Law Commission**

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its thirty-third session,<sup>49</sup>

*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 in accordance with the Charter of the United Nations<sup>52</sup> and to give increased importance to its role in relations among States,

*Noting with appreciation* that at its thirty-third session the International Law Commission, pursuant to General Assembly resolutions 34/141 of 17 December 1979 and 35/163 of 15 December 1980, completed the second reading of the draft articles on succession of States in respect of State property, archives and debts, and commenced the sec-

ond reading of the draft articles on treaties concluded between States and international organizations or between international organizations.

*Noting further with appreciation* the progress made at that session by the International Law Commission on State responsibility, international liability for injurious consequences arising out of acts not prohibited by international law, jurisdictional immunities of States and their property and the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,

*Taking note* of the intention of the International Law Commission to appoint a new Special Rapporteur on the topic "The law of the non-navigational uses of international watercourses"<sup>53</sup> and stressing the desirability of the Commission doing so at the commencement of its thirty-fourth session, thus ensuring continuity of its work on the topic,

*Recognizing* the importance of referring legal and drafting questions to the Sixth Committee, including topics which might be submitted to the International Law Commission, thus enabling the Commission further to enhance its contribution to the progressive development of international law and its codification,

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

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

3. *Recommends* that, taking into account the written comments of Governments as well as views expressed in debates in the General Assembly, the International Law Commission should:

(a) Complete at its thirty-fourth session the second reading of the draft articles on treaties concluded between States and international organizations or between international organizations, adopted at its twenty-sixth, twenty-seventh and twenty-ninth to thirty-second sessions, also taking into account the written comments of principal international organizations;

(b) Continue its work aimed at the preparation of draft articles on:

(i) Part two of the draft on responsibility of States for internationally wrongful acts, bearing in mind the need for a second reading of the draft articles constituting part one of the draft;

(ii) International liability for injurious consequences arising out of acts not prohibited by international law;

(iii) The law of the non-navigational uses of international watercourses;

(iv) Jurisdictional immunities of States and their property;

(v) The status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier;

(c) Continue its study of the second part of the topic of relations between States and international organizations;

4. *Endorses* the conclusion reached by the International Law Commission regarding the establishment, at its thirty-fourth session, of general objectives and priorities which would guide its study of the topics on its programme of work within the term of office of Commission members elected at the current session of the General Assembly;<sup>54</sup>

5. *Expresses its satisfaction* with the conclusion of the International Law Commission that it will continue to keep under review the possibility of improving further its present

<sup>52</sup> Resolution 2625 (XXV), annex.

<sup>53</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 10 (A/36/10 and Corr.1)*, para. 256 (c).

<sup>54</sup> *Ibid.*, para. 258.