

IX. RESOLUTIONS ADOPTED ON THE REPORTS OF THE SIXTH COMMITTEE¹

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38/126. Development and strengthening of good-neighbourliness between States

The General Assembly,

Bearing in mind the determination of the peoples of the United Nations, as expressed in the Charter, to practice

tolerance and live together in peace with one another as good neighbours,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, approved by its resolution 2625 (XXV) of 24 October 1970,

¹ For the decisions adopted on the reports of the Sixth Committee, see sect. X.B.7.

Recalling its resolutions 1236 (XII) of 14 December 1957, 1301 (XIII) of 10 December 1958, 2129 (XX) of 21 December 1965, 34/99 of 14 December 1979, 36/101 of 9 December 1981 and 37/117 of 16 December 1982,

Bearing in mind that, owing to geographic proximity and to other relevant reasons, there are particularly favourable opportunities for co-operation and mutual advantage between neighbouring countries, in many fields and various forms, and that the development of such co-operation may have a positive influence on international relations as a whole,

Considering that the great changes of a political, economic and social nature, as well as the scientific and technological progress which have taken place in the world and led to unprecedented interdependence of nations, have given new dimensions to good-neighbourliness in the conduct of States and increased the need to develop and strengthen it,

Taking into account the working paper concerning the development and strengthening of good-neighbourliness between States,² as well as the written replies sent by States and international organizations on the content of good-neighbourliness and on ways and means to enhance it³ and the views expressed by States in 1981 and 1982 on this subject,⁴

Recalling its opinion that it is necessary to continue to examine the question of good-neighbourliness in order to strengthen and develop its content, as well as ways and modalities to enhance its effectiveness, and that the results of this examination could be included, at an appropriate time, in a suitable international document,

1. *Reaffirms* that good-neighbourliness fully conforms with the purposes of the United Nations and shall be founded upon the strict observance of the principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and so presupposes the rejection of any acts seeking to establish zones of influence or domination;

2. *Calls once again upon* States, in the interest of the maintenance of international peace and security, to develop good-neighbourly relations, acting on the basis of these principles;

3. *Reaffirms* that the generalization of the long practice of good-neighbourliness and of principles and rules pertaining to it is likely to strengthen friendly relations and co-operation among States in accordance with the Charter;

4. *Deems it appropriate*, on the basis of the working paper concerning the development and strengthening of good-neighbourliness between States mentioned above, as well as of other proposals and ideas which have been or will be submitted by States, and the replies and views of States and international organizations, to start clarifying and formulating the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject;

5. *Requests* the Sixth Committee to decide, at the thirty-ninth session of the General Assembly, on the appropriate framework to accomplish the above-mentioned tasks;

² A/38/440, annex.

³ See A/36/376 and Add.1, A/37/476 and A/38/336 and Add.1.

⁴ See *Official Records of the General Assembly, Thirty-sixth Session, First Committee, 45th-51st meetings; ibid., First Committee, Sessional Fascicle, corrigendum; ibid., Thirty-seventh Session, First Committee, 46th-59th meetings; and ibid., First Committee, Sessional Fascicle, corrigendum.*

6. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Development and strengthening of good-neighbourliness between States".

101st plenary meeting
19 December 1983

38/127. 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,⁵ in particular section II of that resolution,

Recalling also its resolutions 35/161 of 15 December 1980 and 36/111 of 10 December 1981, 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,

Bearing in mind the importance of facilitating international trade and the 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,

Bearing in mind also the complexity of codification or progressive development of international law on most-favoured-nation clauses at a time of rapid development of new forms of economic co-operation, notably those in favour of developing countries,

Taking note of the comments and observations submitted and of the statements made in the Sixth Committee at the thirty-fifth, thirty-sixth and thirty-eighth⁶ sessions of the General Assembly, including the proposals for amendment of the draft articles adopted by the International Law Commission,

1. *Requests* the Secretary-General to reiterate his invitation to Member States and interested organs of the United Nations, as well as interested intergovernmental organizations, to submit or bring up to date, not later than 31 March 1985, 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;

(c) Any other aspects of problems relating to most-favoured-nation clauses that Governments may consider relevant in view of recent developments of international practice, including the recommendation of the International Law Commission on the conclusion of a convention;

2. *Also requests* the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work on most-favoured-nation clauses and on the forum for future discussion, bearing in mind the suggestions and proposals made in the Sixth Committee,

⁵ *Ibid., Thirty-third Session, Supplement No. 10 (A/33/10).*

⁶ *Ibid., Thirty-eighth Session, Sixth Committee, 18th, 20th-23rd, 25th and 59th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum.*