

Welcoming the considerations and recommendations contained in the report of the International Law Commission regarding the programme and methods of work of the Commission with a view to the timely and effective fulfilment of the tasks entrusted to it,

I

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

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

3. *Approves* the programme of work planned by the International Law Commission for 1979;

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

(a) Continue its work on state responsibility with the aim of completing at least the first reading of the set of articles constituting part I of the draft on responsibility of States for internationally wrongful acts, within the present term of office of the members of the International Law Commission, taking into account the views expressed in debates in the General Assembly and the observations of Governments;

(b) Continue its work on succession of States in respect of matters other than treaties with the aim of completing, at its thirty-first session, the first reading of the draft articles on succession of States in respect of State property and State debts;

(c) Proceed with the preparation of draft articles on treaties concluded between States and international organizations or between international organizations with the aim of completing, as soon as possible, the first reading of these draft articles;

(d) Continue its work on the law of the non-navigational uses of international watercourses;

5. *Also recommends* that the International Law Commission should continue the study, including those issues it has already identified, concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, in the light of comments made during the debate on this item in the Sixth Committee at the thirty-third session of the General Assembly and comments to be submitted by Member States, with a view to the possible elaboration of an appropriate legal instrument, and invites all States to submit their written comments on the preliminary study carried out by the Commission concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier for their inclusion in the report of the Commission on the work of its thirty-first session;

6. *Further recommends* that the International Law Commission should continue its work on the remaining topics in its current programme;

7. *Expresses confidence* that the International Law Commission will continue to keep the progress of its work under review and to adopt the methods of work best suited to the speedy completion of the tasks entrusted to it;

8. *Endorses* the decision of the International Law Commission to request Governments to transmit their observations and comments on the provisions of chapters I, II and III of part I of the draft articles on State responsibility for internationally wrongful acts;

9. *Expresses its concern* over the necessity of strengthening the Codification Division of the Office of Legal Affairs of the Secretariat and, therefore, strongly reiterates the recommendation made in General Assembly resolution 32/151;

10. *Expresses the wish* that seminars continue to be held in conjunction with sessions of the International Law Commission and that an increasing number of participants from developing countries be given the opportunity to attend these seminars;

11. *Requests* the Secretary-General to forward to the International Law Commission for its attention the records of the discussion on the report of the Commission at the thirty-third session of the General Assembly;

II

1. *Expresses its appreciation* to the International Law Commission for its valuable work on the most-favoured-nation clause and to the Special Rapporteurs on the topic for their contribution to this work;

2. *Invites* all States, organs of the United Nations which have competence in the subject-matter and interested intergovernmental organizations to submit, not later than 31 December 1979, their written comments and observations on chapter II of the report of the International Law Commission on the work of its thirtieth session and, 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 decisions;

and requests States to comment on the recommendation of the International Law Commission that those draft articles should be recommended to Member States with a view to the conclusion of a convention on the subject;

3. *Requests* the Secretary-General to circulate, before the thirty-fifth session of the General Assembly, the comments and observations submitted in accordance with paragraph 2 above;

4. *Decides* to include in the provisional agenda of its thirty-fifth session an item entitled "Consideration of the draft articles on most-favoured-nation clauses".

89th plenary meeting
19 December 1978

33/140. Implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961

The General Assembly,

Taking note of the report of the Secretary-General²⁰ on the implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961,²¹

Recalling its resolutions 3501 (XXX) of 15 December 1975 and 31/76 of 13 December 1976,

Noting with satisfaction that the number of States parties to the Vienna Convention on Diplomatic Rela-

²⁰ A/33/224.

²¹ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

tions of 1961 has increased since the adoption by the General Assembly of the above-mentioned resolutions,

Convinced of the desirability of the widespread acceptance of the Vienna Convention on Diplomatic Relations of 1961 and the necessity for strict observance and implementation by States of the provisions consolidated in that Convention in the interest of maintaining normal relations among them and developing international co-operation,

Concerned both at continuing instances of violations of the generally recognized rules of diplomatic law and at instances of violations of security of diplomatic missions and safety of their personnel,

Noting with appreciation the study by the International Law Commission of the proposals on the elaboration of a protocol concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, which could constitute a further development of international diplomatic law,

1. *Requests* those States which have not yet become parties to the Vienna Convention on Diplomatic Relations of 1961 to give urgent consideration to acceding to that Convention;

2. *Calls upon* all States to observe and strictly implement the provisions of the Vienna Convention on Diplomatic Relations of 1961, especially to ensure better security of diplomatic missions and safety of their personnel, provided for in that Convention;

3. *Notes* the invitation in General Assembly resolution 33/139 of 19 December 1978 to States to submit written comments on the preliminary study carried out by the International Law Commission concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and observes that, in replying to such a request, States may also include comments and observations on the implementation of the provisions of the Vienna Convention on Diplomatic Relations of 1961 to be submitted to the Assembly at a future session;

4. *Reaffirms* the continuing interest of the General Assembly in the implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961;

5. *Decides* that the General Assembly will give further consideration to this question and expresses the view that, unless Member States indicate the desirability of an earlier consideration, it would be appropriate to do so when the International Law Commission submits to the Assembly the results of its work on the possible elaboration of an appropriate legal instrument on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier.

89th plenary meeting
19 December 1978

33/141. Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations

A

The General Assembly,

Conscious of the obligations resulting from Article 102 of the Charter of the United Nations,

Having examined the report of the Secretary-General on that question,²²

Noting the considerable increase in the number of international agreements in the past ten years,

Also noting that the delays in registration and publication have at the same time increased to the point where the implementation of Article 102 of the Charter may be seriously jeopardized,

Convinced that, taking into account the means available to the United Nations, the situation cannot be remedied without reforming the publication procedure currently provided for by the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations²³ in order to adapt it to the evolution of international treaty activities, with due respect for the spirit and intent of the Charter,

Recalling that, by its resolution 32/144 of 16 December 1977, it has already approved, as a temporary measure, the establishment of a priority system for the publication of treaties and other international agreements in the United Nations *Treaty Series*,

Amends article 12 of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations to read as follows:

"Article 12

"1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

"2. The Secretariat will, however, have the option not to publish *in extenso* a bilateral treaty or international agreement belonging to one of the following categories:

"(a) Assistance and co-operation agreements of limited scope concerning financial, commercial, administrative or technical matters;

"(b) Agreements relating to the organization of conferences, seminars or meetings;

"(c) Agreements that are to be published otherwise than in the series mentioned in paragraph 1 of this article by the United Nations Secretariat or by a specialized or related agency.

"3. In deciding whether or not to publish *in extenso* a treaty or international agreement belonging to one of the categories mentioned in paragraph 2 of this article, the Secretariat shall duly take into account, *inter alia*, the practical value that might accrue from *in extenso* publication. Treaties and international agreements that the Secretariat intends not to publish *in extenso* shall be identified as such in the monthly statements of treaties and international agreements provided for in article 13 of these regulations, it being understood that a decision not to publish *in extenso* may be reversed at any time.

"4. Any State or intergovernmental organization may obtain from the Secretary-General a copy of the

²² A/33/258.

²³ Adopted by the General Assembly in its resolution 97 (I). For the text of the regulations as modified by resolutions 364 B (IV) and 482 (V), see United Nations, *Treaty Series*, vol. 76, p. XVIII.