

present—to report as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and on measures adopted with a view to preventing a repetition of such violations;

8. *Requests* the Secretary-General to circulate to all States, upon receipt, the reports received by him pursuant to paragraph 7 above, unless the reporting State requests otherwise;

9. *Also requests* the Secretary-General to invite States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

10. *Further requests* the Secretary-General, when a serious violation has been reported pursuant to paragraph 7 (a) above, to draw the attention, when appropriate, of the States directly concerned to the reporting procedures set forth in paragraph 7 above;

11. *Requests* the Secretary-General to submit to the General Assembly at its thirty-eighth session a report on the state of ratification of, and accessions to, the instruments referred to in paragraph 5 above, as well as the reports received and views expressed pursuant to paragraphs 7 and 9 above, and invites him to submit any views he may wish to express on these matters;

12. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Secretary-General".

*107th plenary meeting  
16 December 1982*

### **37/109. Drafting of an international convention against the recruitment, use, financing and training of mercenaries**

*The General Assembly,*

*Bearing in mind* the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed 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>28</sup>

*Recalling* its resolutions, particularly resolutions 2395 (XXIII) of 29 November 1968, 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973 and its resolution 1514 (XV) of 14 December 1960, as well as Security Council resolutions 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

*Recalling* in particular its resolution 36/76 of 4 December 1981, by which it renewed the mandate of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of thirty-five Member States,

*Having considered* the report of the *Ad Hoc* Committee on its second session,<sup>29</sup>

*Recognizing* that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

*Bearing in mind* the pernicious impact that the activities of mercenaries have on international peace and security,

*Considering* that the progressive development and codification of the rules of international law on mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

*Taking account* of the fact that, although the *Ad Hoc* Committee has made substantial progress, it has not yet fulfilled its mandate,

*Reaffirming* the need for the elaboration, at the earliest possible date, of an international convention against the recruitment, use, financing and training of mercenaries,

1. *Takes note* of the report of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the progress made, especially during its second session;

2. *Decides* that the *Ad Hoc* Committee shall continue its work, with the goal of drafting, at the earliest possible date, an international convention against the recruitment, use, financing and training of mercenaries;

3. *Requests* the *Ad Hoc* Committee, in the fulfilment of its mandate, to consider the suggestions and proposals of Member States, bearing in mind the views and comments submitted to the Secretary-General and those expressed at the thirty-seventh session of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the *Ad Hoc* Committee;<sup>30</sup>

4. *Requests* the Secretary-General to make available to the *Ad Hoc* Committee at its third session any up-to-date and relevant documentation on the subject;

5. *Also requests* the Secretary-General to provide the *Ad Hoc* Committee with any assistance and facilities it may require for the performance of its work;

6. *Decides* that the *Ad Hoc* Committee shall hold its third session for four weeks, from 2 to 26 August 1983;

7. *Requests* the *Ad Hoc* Committee to submit its report to the General Assembly at its thirty-eighth session;

8. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Report of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries".

*107th plenary meeting  
16 December 1982*

### **37/110. Review of the multilateral treaty-making process**

*The General Assembly,*

*Bearing in mind* that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

*Conscious*, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

<sup>28</sup> Resolution 2625 (XXV), annex.

<sup>29</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 43 (A/37/43 and Corr.1).*

<sup>30</sup> *Ibid.*, *Thirty-seventh Session, Sixth Committee, 9th-15th, 53rd and 56th meetings.*

*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,

*Aware* that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making,

*Taking note* of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth,<sup>31</sup> thirty-sixth,<sup>32</sup> and thirty-seventh<sup>33</sup> sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

*Having considered* the report of the Working Group on the Review of the Multilateral Treaty-making Process,<sup>34</sup> established pursuant to General Assembly resolution 36/112 of 10 December 1981, and noting that the Working Group will require more time to fulfil its mandate as provided in paragraph 2 of that resolution,

*Taking into account* the statements made at the current session in the debate in the Sixth Committee,<sup>35</sup>

1. *Decides* to reconvene the Working Group at its thirty-eighth session with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;

2. *Reiterates its request* to the Secretary-General to prepare and publish as soon as possible new editions of the *Handbook of Final Clauses*<sup>36</sup> and the *Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements*,<sup>37</sup> taking into account relevant new developments and practices in that respect;

3. *Decides* to include in the provisional agenda of its thirty-eighth session the item entitled "Review of the multilateral treaty-making process".

*107th plenary meeting  
16 December 1982*

### 37/111. Report of the International Law Commission

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its thirty-fourth session,<sup>38</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>39</sup> and to give increasing importance to its role in relations among States,

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

*Welcoming* the establishment of general objectives and priorities which will guide the study by the International Law Commission of the topics on its programme of work within the term of office of Commission members elected at the thirty-sixth session of the General Assembly,

*Recalling* the need to keep under review those topics of international law which, given their new or renewed interest for the contemporary international community, may be suitable for progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at that session and, in particular, for having completed the final reading of the draft articles on the law of treaties between States and international organizations or between international organizations;

3. *Recommends* that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work aimed at the preparation of drafts on all the topics in its current programme;

4. *Expresses its satisfaction* with the conclusions and intention of the International Law Commission concerning its procedures and methods of work, as reflected in paragraphs 266 and 270 of its report;

5. *Reaffirms* its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and approves the conclusions reached by the International Law Commission<sup>40</sup> concerning summary records of its meetings and the application to its documentation of the thirty-two-page limit, as well as the request made by the Commission in paragraph 272 of its report;

6. *Appeals* to Governments and, as appropriate, to international organizations to respond as fully and expeditiously as possible to the requests of the International Law Commission for comments and observations on its draft articles and questionnaires and for materials on topics on its programme of work;

7. *Reaffirms its wish* that the International Law Commission will continue to enhance its co-operation with intergovernmental legal bodies whose work is of interest for the progressive development of international law and its codification;

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

9. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the thirty-seventh session of the General Assembly and to prepare and distribute a topical summary of the debate.

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<sup>31</sup> A/35/312 and Corr.1 and Add.1 and 2 and Add.2/Corr.1.

<sup>32</sup> A/36/553 and Add.1 and 2.

<sup>33</sup> A/37/444 and Add.1.

<sup>34</sup> A/C.6/37/L.29.

<sup>35</sup> See *Official Records of the General Assembly, Thirty-seventh Session, Sixth Committee*, 65th and 66th meetings.

<sup>36</sup> ST/LEG/6.

<sup>37</sup> ST/LEG/7.

<sup>38</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10)*.

<sup>39</sup> Resolution 2625 (XXV), annex.

<sup>40</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 10 (A/37/10)*, paras. 267-269 and 271.