

42/155. Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries

The General Assembly,

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 and 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 41/80 of 3 December 1986, by which it decided to renew the mandate of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries,

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, 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,³

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 the activities of mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

Welcoming the wide and effective participation of members of the Ad Hoc Committee in the work of the Committee and the participation of a large number of observers in that work,

Taking account of the progress achieved by the Ad Hoc Committee at its sixth session,

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;²⁹

2. Decides to renew the mandate of the Ad Hoc Committee with a view to completing as soon as possible a draft international convention against the recruitment, use, financing and training of mercenaries;

3. Requests the Ad Hoc Committee, in the fulfilment of its mandate, to use the draft articles contained in chapter

III of its report,²⁹ entitled "Second revised consolidated negotiating basis of a convention against the recruitment, use, financing and training of mercenaries" as a basis for future negotiation on the text of the proposed international convention;

4. Invites the Ad Hoc Committee to take into account the suggestions and proposals of Member States submitted to the Secretary-General on the subject and the views and comments expressed at the fortieth,³⁰ forty-first³¹ and forty-second³² sessions of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the Ad Hoc Committee;

5. Decides that the Ad Hoc Committee shall hold its seventh session from 25 January to 12 February 1988;

6. Also decides that the Ad Hoc Committee shall accept the participation of observers of Member States, including participation in the meetings of its drafting and working groups;

7. Requests the Secretary-General to provide, on a priority basis, the Ad Hoc Committee with any assistance and facilities it may require to hold its seventh session in 1988;

8. Reaffirms the importance that pre-session consultations among the members of the Ad Hoc Committee and other interested States may have in facilitating the smooth conduct of its work towards the fulfilment of its task, *inter alia*, as regards the composition of the Bureau and the organization of work;

9. Invites the Ad Hoc Committee to make every effort to submit its final report containing a draft international convention against the recruitment, use, financing and training of mercenaries to the General Assembly if possible at its forty-third session;

10. Decides to include in the provisional agenda of its forty-third 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".

94th plenary meeting
7 December 1987

42/156. Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-ninth session,¹²

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 Nations³ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contributions to the

³⁰ *Ibid.*, Fortieth Session, Sixth Committee, 13th to 17th, 44th and 48th meetings.

³¹ *Ibid.*, Forty-first Session, Sixth Committee, 25th, 26th, 46th and 47th meetings, and corrigendum.

³² *Ibid.*, Forty-second Session, Sixth Committee, 12th to 15th and 55th meetings, and corrigendum.

²⁹ Official Records of the General Assembly, Forty-second Session, Supplement No. 43 (A/42/43).

progressive development of international law and its codification,

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 the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

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

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

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 on the topics in its current programme, bearing in mind the desirability of reaching the goals indicated in paragraph 232 of its report;

4. *Expresses its satisfaction* with the establishment within the International Law Commission, in order to increase its effectiveness, of a Working Group on Methods of Work, and with the conclusions and intentions of the Commission concerning its procedures and methods of work, as set forth in chapter VI, section D of its report;

5. *Requests* the International Law Commission:

(a) To keep under review the planning of its activities for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(b) To consider further its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute to the attainment of the goals referred to in paragraph 3 above and also to a more effective consideration of its report in the Sixth Committee;

(c) To indicate in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

6. *Recommends* the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work, and to this end decides that the Sixth Committee shall hold consultations at the commencement of the forty-third session of the General Assembly, including, *inter alia*, consultations on the question of establishing a working group, the character and mandate of which are to be determined, to meet during the debate on the report of the International Law Commission in order to allow for a concentrated discussion on one or more of the topics on the agenda of the Commission;

7. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 243 of its report, and ex-

presses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions³³ be maintained;

8. *Reaffirms* its previous decisions concerning the increased role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

9. *Urges* Governments and, as appropriate, international organizations to respond in writing as fully and expeditiously as possible to the requests of the International Law Commission for comments, observations and replies to questionnaires and for materials on topics in its programme of work;

10. *Further urges* Governments to give full attention to the request of the International Law Commission, transmitted through the Secretary-General, for comments and observations before 1 January 1988 on the draft articles on jurisdictional immunities of States and their property³⁴ and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,³⁵ adopted on first reading by the Commission;

11. *Requests* the Secretary-General to update in a timely manner the "Survey of International Law"³⁶ of 1971 and to make the updated version available to the International Law Commission, and to bear in mind the desirability of updating it every five years thereafter;

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

13. *Expresses the wish* that seminars will continue to be held in conjunction with the 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, and appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars;

14. *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 forty-second session of the General Assembly and to prepare and distribute a topical summary of the debate.

94th plenary meeting
7 December 1987

42/157. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthen-

³³ See resolution 3315 (XXIX), para. 5.

³⁴ See *Official Records of the General Assembly, Forty-first Session, Supplement No. 10 (A/41/10)*, chap. II, sect. D.

³⁵ *Ibid.*, chap. III, sect. D.

³⁶ *Yearbook of the International Law Commission, 1971*, vol. II (Part Two) (United Nations publication, Sales No. E.72.V.6 (Part II)), document A/CN.4/245.