

comments expressed at the fortieth,<sup>34</sup> forty-first,<sup>35</sup> forty-second<sup>36</sup> and forty-third<sup>37</sup> 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 eighth session from 30 January to 17 February 1989;

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 eighth session;

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-fourth session;

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

76th plenary meeting  
9 December 1988

#### 43/169. Report of The International Law Commission on the work of its fortieth session

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its fortieth session,<sup>18</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>5</sup> 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 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 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 fortieth 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, listed as items 2 to 8 in paragraph 7 of its report;

4. *Expresses its satisfaction* with the efforts of the International Law Commission to improve its procedures and methods of work and to formulate proposals on its future programme of work;

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, *inter alia*, 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;

7. *Expresses its satisfaction* at the useful informal discussions held in the framework of the *Ad Hoc* Working Group provided for under paragraph 6 of General Assembly resolution 42/156 of 7 December 1987, which dealt with questions of improving 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 takes note of the oral report of the Chairman of the *Ad Hoc* Working Group;<sup>38</sup>

8. *Decides* that the Sixth Committee, in structuring its debate on the report of the International Law Commission at the forty-fourth session of the General Assembly, should bear in mind the possibility of reserving time for informal exchanges of views on matters relating to the Commission;

9. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 569 of its report, and expresses the view that the requirements of the work for the progressive development of international law and its

<sup>34</sup> *Ibid.*, Fortieth Session, Sixth Committee, 13th to 17th, 44th and 48th meetings.

<sup>35</sup> *Ibid.*, Forty-first Session, Sixth Committee, 25th, 26th, 46th and 47th meetings, and corrigendum.

<sup>36</sup> *Ibid.*, Forty-second Session, Sixth Committee, 12th to 15th and 55th meetings, and corrigendum.

<sup>37</sup> *Ibid.*, Forty-third Session, Sixth Committee, 22nd to 24th and 51st meetings, and corrigendum.

<sup>38</sup> *Ibid.*, 40th meeting, and corrigendum.

codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

10. *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;

11. *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;

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. *Once again 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, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

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-third session of the General Assembly and to prepare and distribute a topical summary of the debate.

76th plenary meeting  
9 December 1988

#### 43/170. 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 Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,<sup>39</sup>

*Taking note* of the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,<sup>40</sup> thirty-ninth,<sup>41</sup> fortieth,<sup>42</sup> forty-first,<sup>43</sup> forty-second<sup>44</sup> and forty-third sessions,<sup>45</sup> as well as of the views and comments expressed on them by Member States,

*Having considered* the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its session held in 1988,<sup>4</sup>

*Expressing its deep appreciation* to the Special Committee for the progress achieved during its 1988 session, which led to the completion of the draft Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field,<sup>46</sup> and for submitting it to the General Assembly at its forty-third session for adoption,

*Mindful* of the desirability of further work being done by the Special Committee in the field of the maintenance of international peace and security,

*Noting with satisfaction* that tangible progress has been achieved in the Special Committee on the proposal<sup>47</sup> concerning the resort to a commission of good offices, mediation or conciliation within the United Nations,

*Noting also with satisfaction* the progress achieved in the elaboration of the draft handbook on the peaceful settlement of disputes between States,<sup>48</sup>

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

2. *Decides* that the Special Committee shall hold its next session from 27 March to 14 April 1989;

3. *Requests* the Special Committee, at its session in 1989, taking into account the provisions of paragraph 5 below:

(a) To accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider:

(i) Proposals concerning fact-finding activities by the United Nations;

(ii) Other proposals relating to the maintenance of international peace and security that might be submitted to the Special Committee at its session in 1989;

(b) To continue its work on the question of the peaceful settlement of disputes between States, and, in this context:

(i) To complete its consideration of the proposal on the resort to a commission of good offices, mediation or conciliation within the United Nations and to submit conclusions thereon, in an appropriate form, to the General Assembly at its forty-fourth session;

(ii) To examine the progress report of the Secretary-General on the elaboration of the draft handbook on the peaceful settlement of disputes between States;

4. *Requests* the Special Committee to keep the question of the rationalization of the procedures of the United Nations under active review;

5. *Also requests* the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

<sup>39</sup> Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986 and 42/157 of 7 December 1987.

<sup>40</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).*

<sup>41</sup> *Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).*

<sup>42</sup> *Ibid., Fortieth Session, Supplement No. 1 (A/40/1).*

<sup>43</sup> *Ibid., Forty-first Session, Supplement No. 1 (A/41/1).*

<sup>44</sup> *Ibid., Forty-second Session, Supplement No. 1 (A/42/1).*

<sup>45</sup> *Ibid., Forty-third Session, Supplement No. 1 (A/43/1).*

<sup>46</sup> *Ibid., Supplement No. 33 (A/43/33), chap. II, para. 14.*

<sup>47</sup> See A/AC.182/L.52/Rev.1 and 2.

<sup>48</sup> *Official Records of the General Assembly, Forty-third Session, Supplement No. 33 (A/43/33), chap. III, sect. B.*