

come of the proceedings against the offender, and on measures adopted with a view to preventing a repetition of such violations;

10. *Requests* the Secretary-General:

(a) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 9 above, unless the reporting State requests otherwise;

(b) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 9 above, when a serious violation has been reported pursuant to paragraph 9 (a) above;

(c) To address reminders to States where such violations have occurred and have been reported, if no follow-up report has been made pursuant to paragraph 9 (b) above by such States within a reasonable period of time;

(d) To send, in due time before the issuance of his yearly report on the present item, a circular note to all States requesting them to indicate whether they have any such violations, as referred to in paragraph 9 (a) above, to report for the preceding twelve months;

11. *Requests* the Secretary-General to prepare guidelines embodying the relevant questions that States may wish to consider when reporting; the guidelines shall be circulated to all States with a view to strengthening the reporting procedures provided for in paragraph 9 above;

12. *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;

13. *Further requests* the Secretary-General to submit to the General Assembly at its forty-second session a report containing:

(a) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 7 above;

(b) The reports received and views expressed pursuant to paragraphs 9 and 12 above;

14. *Invites* the Secretary-General to submit to the General Assembly at its forty-second session any views he may wish to express on the matters referred to in paragraphs 11 and 13 above;

15. *Decides* to include in the provisional agenda of its forty-second 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".

95th plenary meeting  
3 December 1986

#### 41/79. Twenty-fifth anniversary of the Vienna Convention on Diplomatic Relations

*The General Assembly,*

*Convinced* that the development of diplomatic relations in accordance with norms of international law and the purposes and principles of the Charter of the United Nations is an important factor in building confidence, developing co-operation among States and strengthening international peace and security,

*Convinced* that the Vienna Convention on Diplomatic Relations of 1961<sup>27</sup> has been widely recognized as the most authoritative and universal of the international treaties codifying the norms of international law governing diplomatic relations,

*Confirming* the importance it attaches to the strict compliance by States with their obligations under the Convention,

*Concerned,* at the same time, at still persistent cases of non-compliance with obligations under the Convention,

*Expressing particular concern* at the terrorist acts committed against diplomatic missions and representatives and at infringements of their inviolability,

*Recalling* that, in accordance with the Convention, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

1. *Reaffirms its conviction* that the Vienna Convention on Diplomatic Relations has played, for over twenty-five years, and will continue to play an essential role in promoting co-operation and understanding among States, in creating normal conditions for the activities of diplomatic missions and representatives and in the progressive development of international law in this field;

2. *Notes with satisfaction* that at present one hundred and forty-nine States are parties to the Convention;

3. *Recommends* to States that have not yet become parties to the Convention to consider doing so at an early date;

4. *Stresses* the importance of the process of codification and progressive development of international law in the field of diplomatic relations;

5. *Calls upon* all States to observe strictly the provisions of the Convention in order to create an appropriate atmosphere essential for the normal discharge by diplomatic missions of their functions;

6. *Urges* all States to take effective action at national and international levels to suppress terrorist and other acts of violence against diplomatic missions and representatives, to prosecute without delay the perpetrators of such acts and, in accordance with the Convention, to avoid abuses of diplomatic privileges and immunities.

95th plenary meeting  
3 December 1986

#### 41/80. 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,*

*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,<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 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

<sup>27</sup> United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

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

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 40/74 of 11 December 1985, 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 and to hold the sixth session of the *Ad Hoc* Committee for four weeks in 1986,

Bearing in mind its decision 40/472 of 9 May 1986, as well as the report of the Secretary-General on the current financial crisis of the United Nations,<sup>29</sup> on the basis of which the *Ad Hoc* Committee did not hold its sixth session in 1986,

Taking into account the statement made by the Chairman of the Sixth Committee on 28 October 1986<sup>30</sup> and the views expressed by Member States during the consideration of the item at the current session,<sup>31</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 progress achieved by the *Ad Hoc* Committee at its previous sessions,

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. Decides 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 to enable it to continue its work on the drafting of an international convention against the recruitment, use, financing and training of mercenaries;

2. Requests the *Ad Hoc* Committee, in the fulfilment of its mandate, to use the draft articles contained in chapter V of its report on its fifth session,<sup>32</sup> entitled "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;

3. 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<sup>33</sup> and forty-first<sup>31</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;

4. Decides that the *Ad Hoc* Committee shall hold its sixth session for a period of three weeks, from 19 January to 6 February 1987.

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

6. 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 sixth session in 1987;

7. Requests the *Ad Hoc* Committee to make every effort to fulfil the mandate entrusted to it by the General Assembly and to proceed with all deliberate speed with the drafting of a convention;

8. Decides to include in the provisional agenda of its forty-second 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".

95th plenary meeting  
3 December 1986

#### 41/81. Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-eighth session,<sup>16</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>28</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 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-eighth 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;

4. Expresses its satisfaction with the conclusions and intentions of the International Law Commission concerning its procedures and methods of work, as reflected in paragraphs 250 to 261 of its report;<sup>16</sup>

5. Requests the International Law Commission:

(a) To consider thoroughly

<sup>29</sup> A/40/1102 and Corr.1, 3, Add.1 and Add.1, Corr.1, Add.2 and Add.2/Corr.1 and Add.3, 7.

<sup>30</sup> See *Official Records of the General Assembly, Forty-first Session, Sixth Committee*, 25th meeting and corrigendum, paras. 1 and 2.

<sup>31</sup> *Ibid.*, 25th, 26th, 46th and 47th meetings and corrigendum.

<sup>32</sup> *Ibid.*, *Fortieth Session, Supplement No. 43* (A/40/43).

<sup>33</sup> *Ibid.*, *Fortieth Session, Sixth Committee*, 13th to 17th, 44th and 48th meetings.