

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,²⁹ 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 1986³⁰ and the views expressed by Member States during the consideration of the item at the current session,³¹

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,³² 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 fortieth³³ and forty-first³¹ 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,¹⁶

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 Nations²⁸ 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;¹⁶

5. Requests the International Law Commission:

(a) To consider thoroughly

²⁹ 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.

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

³¹ *Ibid.*, 25th, 26th, 46th and 47th meetings and corrigendum.

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

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

- (i) 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;
 - (ii) Its methods of work in all their aspects, bearing in mind the possibility of staggering the consideration of some topics;
- (b) To indicate in its annual report those subjects and issues on which views expressed by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

6. *Takes note* of the comments of the International Law Commission on the question of the duration of its sessions, as presented in paragraph 252 of its report, and expresses the view that the requirements of the work of codification and progressive development of international law and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions³⁴ be maintained;

7. *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;

8. *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;

9. *Further urges* Governments to give full attention to the request of the International Law Commission, transmitted through the Secretary-General, for comments and observations on the draft articles on jurisdictional immunities of States and their property³⁵ and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier,³⁶ adopted on first reading by the Commission;

10. *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;

11. *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, and appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars;

12. *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-first session of the General Assembly³⁷ and to prepare and distribute a topical summary of the debate.

*95th plenary meeting
3 December 1986*

41/82. Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,³⁸

Recalling Article 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,³⁹

Recalling further that the problems related to the privileges and immunities of all missions accredited to the United Nations, the security of the missions and the safety of their personnel are of great importance and concern to Member States, as well as the primary responsibility of the host country,

Noting with deep concern the continued acts violating the security and the safety of the personnel of those missions accredited to the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Considering the issues raised by certain States Members of the United Nations in response to the request and to action by the host country to reduce the size of their missions,

Conscious of the increased interest shown by Member States in participating in the work of the Committee,

1. *Endorses* the recommendations of the Committee on Relations with the Host Country contained in paragraph 87 of its report;³⁸

2. *Strongly condemns* any criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel;

3. *Urges* the host country to take all necessary measures without delay to continue to prevent criminal acts, including harassment and violations of the security of missions and the safety of their personnel or infringements of the inviolability of their property, in order to ensure the existence and functioning of all missions, including practicable measures to prohibit illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts and activities against the security and safety of such missions and representatives;

4. *Urges* the host country and the Member States that raised the issues in response to the request and to action by the host country to reduce the size of their missions to follow the path of consultations with a view to reaching solutions to this matter, in accordance with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;⁴⁰

5. *Stresses* the importance of a positive perception of the work of the United Nations, expresses concern about a negative public image and, therefore, urges that efforts be continued to build up public awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

³⁴ See resolution 3315 (XXIX), para. 5.

³⁵ See *Official Records of the General Assembly, Forty-first Session, Supplement No. 10 (A/41/10)*, chap. II, sect. D.

³⁶ *Ibid.*, chap. III, sect. D.

³⁷ *Ibid.*, *Forty-first Session, Sixth Committee, 27th to 34th, 36th to 44th and 51st meetings and corrigendum.*

³⁸ *Ibid.*, *Forty-first Session, Supplement No. 26 (A/41/26).*

³⁹ Resolution 22 A (I).

⁴⁰ Resolution 169 (II).