

Taking account of the fact that, although the *Ad Hoc* Committee has made some 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 by the *Ad Hoc* Committee, especially during its fifth session;

2. *Decides* to renew the mandate of the *Ad Hoc* Committee to enable it to continue its work on the drafting of 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 use the draft articles contained in chapter V of its report,⁴⁰ 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;

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 current session of the General Assembly;⁴¹

5. *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 the *Ad Hoc* Committee with any assistance and facilities it may require for the performance of its work;

7. *Decides* that the *Ad Hoc* Committee shall hold its sixth session for four weeks, from 16 June to 11 July 1986;

8. *Requests* the *Ad Hoc* Committee to make every effort to complete its mandate at its sixth session and to submit a draft convention to the General Assembly at its forty-first session;

9. *Decides* to include in the provisional agenda of its forty-first 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".

*112th plenary meeting
11 December 1985*

40/75. Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-seventh session,²⁴

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 Nations² 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,

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-seventh 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 clear desirability of achieving as much progress as possible in the preparation of draft articles on specific topics before the conclusion of the term of office of the present membership;

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 297 to 306 of its report;²⁴

5. *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 documentation of the International Law Commission;

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, observations and replies to questionnaires and for materials on topics in its programme of work;

7. *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;

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 and appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the 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 fortieth session of the General Assembly⁴² and to prepare and distribute a topical summary of the debate.

*112th plenary meeting
11 December 1985*

40/76. Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations

The General Assembly,

Recalling its resolution 37/112 of 16 December 1982, by which it decided that an international convention should be concluded on the basis of the draft articles on

⁴¹ *Ibid.*, Fortieth Session, Sixth Committee, 13th to 17th, 44th and 48th meetings.

⁴² *Ibid.*, Sixth Committee, 23rd to 36th, 46th and 47th meetings; and *ibid.*, Sixth Committee, Sessional Fascicle, corrigendum.