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Forty-first session  
SIXTH COMMITTEE  
Agenda item 130

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS  
THIRTY-EIGHTH SESSION

Algeria, Argentina, Austria, Bahrain, Belgium, Botswana,  
Brazil, Bulgaria, Canada, Cape Verde, Chile, Cyprus, Ecuador,  
Eqvpt, Ethiopia, German Democratic Republic, Germany, Federal  
Republic of, Greece, Guyana, Ireland, Italy, Jamaica, Japan,  
Kenya, Lesotho, Madaqascar, Morocco, New Zealand, Peru,  
Philippines, Qatar, Romania, Senegal, Spain, Sri Lanka, Sudan,  
Tunisia, Turkey, Uruquay, Venezuela and Yuqoslavia: draft  
resolution

The General Assembly,

Having considered the report of the International Law Commission on the work  
of its thirty-eighth session, 1/

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 2/  
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 which might be submitted to the International Law

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1/ Official Records of the General Assembly, Forty-first Session, Supplement  
No. 10 (A/41/10).

2/ Resolution 2625 (XXV), annex.

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;
5. Requests the International Law Commission:
  - (a) To consider thoroughly:
    - (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 its 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 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. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 252 of its report, and expresses the view that the needs 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 sessions 3/ be maintained;

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3/ See resolution 3315 (XXIX) of 14 December 1974, para. 5.

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 property and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, adopted on first reading by the Commission;
10. Reaffirms its wish that the International Law Commission continue to enhance its co-operation with intergovernmental 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 Assembly and to prepare and distribute a topical summary of the debate.

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