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SIXTH COMMITTEE
Agenda item 135

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

Algeria, Argentina, Australia, Austria, Brazil, Bulgaria,
Canada, Cape Verde, Egypt, Ethiopia, France, German Democratic
Republic, Greece, Italy, Japan, Jordan, Mexico, Morocco, New
Zealand, Philippines, Senegal, Tunisia, United Kingdom of Great
Britain and Northern Ireland, Venezuela, Viet Nam, and
Yugoslavia: draft resolution

Report of the International Law Commission on the work
of its thirty-ninth session

The General Assembly,

Having considered the report of the International Law Commission on the work
of its thirty-ninth 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 other States,

1/ Official Records of the General Assembly, Forty-second Session,
Supplement No. 10 (A/42/10).

2/ Resolution 2625 (XXV), annex.

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 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 International Law Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of the Commission's work;

1. Takes note of the report of the International Law Commission on the work of its thirty-ninth 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 desirability of reaching the goals indicated in paragraph 232 of its report;
4. Expresses its satisfaction with the establishment within the International Law Commission, in order to increase its effectiveness, of a Working Group on Methods of Work, and with the conclusions and intentions of the Commission concerning its procedures and methods of work, as set forth in paragraphs 224 to 249 of its report;
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 to the attainment of the goals referred to in paragraph 3 above and also 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, and to this end decides that the Sixth Committee should hold consultations at the commencement of the forty-third session of the General Assembly, including inter alia consultations on the question of establishing a working group the character and mandate of which are to be determined, to meet during the debate on the report of the International Law Commission in order to allow for a concentrated discussion on one or more of the topics in the agenda of the Commission;

7. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 243 of its report, and expresses the view that the needs of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects in the agenda of the Commission make it desirable that the usual duration of its sessions 3/ be maintained;

8. 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;

9. 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;

10. Further urges Governments to give full attention to the request of the International Law Commission, transmitted through the Secretary-General, for comments and observations before 1 January 1988 on the draft articles on jurisdictional immunities of States and their property 4/ and on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, 5/ adopted on first reading by the Commission;

3/ See resolution 3315 (XXIX), para. 5.

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

5/ Ibid., chap. III, sect. D.

11. Requests the Secretary-General to update in a timely manner the survey of international law of 1971, 6/ and to make it available to the International Law Commission, and to bear in mind the desirability of updating it every five years thereafter;

12. 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;

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

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

6/ Yearbook of the International Law Commission, 1971, vol. II (Part Two) (United Nations publication, Sales No. E.72.V.6 (Part II)), document A/CN.4/245.