

against missions and representatives to international inter-governmental organizations and officials of such organizations;

3. *Urges* States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives;

4. *Recommends* that States co-operate closely, *inter alia*, through contacts between the diplomatic and consular mission and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

5. *Calls anew upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives, *inter alia*, the Vienna Convention on Diplomatic Relations of 1961,¹⁵ the Vienna Convention on Consular Relations of 1963,¹⁶ and the respective optional protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;¹⁷

6. *Calls upon* States, in cases where a dispute arises in connection with a violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

7. *Invites* all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, invites the State in which the violation took place and, where applicable, the State where the alleged offender is present to report also on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and further invites the State in which the violation took place to report also on the measures aimed at preventing a repetition of such violations;

8. *Requests* the Secretary-General to circulate to all States upon receipt the reports received by him pursuant to paragraph 7 above, unless requested otherwise by the reporting State;

9. *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;

10. *Requests* the Secretary-General, when a serious violation has been reported to him pursuant to paragraph 7 above, to draw the attention, when appropriate, of the State where the violation occurred and, when applicable, of the State where the alleged offender is present to the reporting procedures established in resolution 35/168 and reaffirmed in paragraph 7 above;

11. *Requests* the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the state of ratification of, and accessions to, the instruments

referred to in paragraph 5 above, as well as the reports received and views expressed pursuant to paragraphs 7 and 9 above, and invites him to submit any views he may wish to express on these matters;

12. *Decides* to include in the provisional agenda of its thirty-seventh 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".

57th plenary meeting
13 November 1981

36/76. 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, as 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,¹⁸

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, 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 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

Recalling, in particular, its resolution 35/48 of 4 December 1980, by which it established an *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of thirty-five Member States,

Having considered the report of the *Ad Hoc* Committee,¹⁹

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 fact that the *Ad Hoc* Committee has not completed the mandate entrusted to it,

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;

2. *Decides* that the *Ad Hoc* Committee shall continue its work with the goal of drafting at the earliest possible

¹⁵ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

¹⁶ *Ibid.*, vol. 596, No. 8638, p. 261.

¹⁷ Resolution 3166 (XXVIII), annex.

¹⁸ Resolution 2625 (XXV), annex.

¹⁹ *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 43 (A/36/43)*.

date 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 consider the suggestions and proposals of Member States, bearing in mind the views and comments submitted to the Secretary-General²⁰ and those expressed at the thirty-sixth session of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the *Ad Hoc* Committee;²¹

4. *Requests* the Secretary-General to make available to the *Ad Hoc* Committee at its next session the texts of the conventions drafted by international and regional organizations on mercenaries, as well as any other relevant documentation;

5. *Requests* the Secretary-General to provide the *Ad Hoc* Committee with any assistance and facilities it may require for the performance of its work;

6. *Requests* the *Ad Hoc* Committee to submit its report to the General Assembly at its thirty-seventh session;

7. *Decides* to include in the provisional agenda of its thirty-seventh 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".

85th plenary meeting
4 December 1981

36/106. Draft Code of Offences against the Peace and Security of Mankind

The General Assembly,

Mindful of Article 13, paragraph 1 *a*, of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recalling its resolution 177 (II) of 21 November 1947, by which it directed the International Law Commission to prepare a draft code of offences against the peace and security of mankind,

Having considered the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission and submitted to the General Assembly in 1954,²²

Recalling its belief that the elaboration of a code of offences against the peace and security of mankind could contribute to strengthening international peace and security and thus to promoting and implementing the purposes and principles set forth in the Charter of the United Nations,

Bearing in mind its resolution 33/97 of 16 December 1978, by which it decided to accord priority and the fullest consideration to the item entitled "Draft Code of Offences against the Peace and Security of Mankind",

Having considered the report of the Secretary-General²³ submitted pursuant to General Assembly resolution 35/49 of 4 December 1980,

Considering that the International Law Commission has just accomplished an important part of its work devoted to the succession of States in respect of State property, archives

and debts and that the programme of work is thus at present lightened,

Taking into consideration that the membership of the International Law Commission was increased during the thirty-sixth session of the General Assembly²⁴ and that it has at its disposal a new mandate of five years to organize its future work,

Taking into account the views expressed during the debate on this item at the current session,

Taking note of paragraph 4 of General Assembly resolution 36/114 of 10 December 1981 on the report of the International Law Commission,

1. *Invites* the International Law Commission to resume its work with a view to elaborating the draft Code of Offences against the Peace and Security of Mankind and to examine it with the required priority in order to review it, taking duly into account the results achieved by the process of the progressive development of international law;

2. *Requests* the International Law Commission to consider at its thirty-fourth session the question of the draft Code of Offences against the Peace and Security of Mankind in the context of its five-year programme and to report to the General Assembly at its thirty-seventh session on the priority it deems advisable to accord to the draft Code, and the possibility of presenting a preliminary report to the Assembly at its thirty-eighth session bearing, *inter alia*, on the scope and the structure of the draft Code;

3. *Requests* the Secretary-General to reiterate his invitation to Member States and relevant international inter-governmental organizations to present or update their comments and observations on the draft Code of Offences against the Peace and Security of Mankind, and to submit a report to the General Assembly at its thirty-seventh session;

4. *Requests* the Secretary-General to submit to the International Law Commission all the necessary documentation, comments and observations presented by Member States and relevant international intergovernmental organizations on the item entitled "Draft Code of Offences against the Peace and Security of Mankind";

5. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Draft Code of Offences against the Peace and Security of Mankind" and to accord it priority and the fullest possible consideration.

92nd plenary meeting
10 December 1981

36/107. Progressive development of the principles and norms of international law relating to the new international economic order

The General Assembly,

Bearing in mind that, in accordance with the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

Recalling its resolutions 34/150 of 17 December 1979 and 35/166 of 15 December 1980, entitled "Consolidation

²⁰ See A/35/366 and Add.1-3 and A/36/438.

²¹ *Official Records of the General Assembly, Thirty-sixth Session, Sixth Committee, 16th-23rd and 57th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum.*

²² *Ibid., Ninth Session, Supplement No. 9 (A/2693), para. 54.*

²³ A/36/416.

²⁴ See sect. II, resolution 36/39.