

**General Assembly**Distr.
GENERALA/39/778/Rev.1
12 December 1984

ORIGINAL: ENGLISH

Thirty-ninth session
Agenda item 130REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS THIRTY-SIXTH SESSIONReport of the Sixth CommitteeRapporteur: Mr. Mehmet GUNEY (Turkey)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-ninth session the item entitled "Report of the International Law Commission on the work of its thirty-sixth session" and to allocate it to the Sixth Committee.
2. The Sixth Committee considered the item at its 33rd to 47th and 65th meetings, from 1 to 15 November and 7 December 1984. The summary records of those meetings (see A/C.6/39/SR.33-47 and 65) reflect the views expressed by the representatives who participated in the debate on the item.
3. At the 33rd meeting, on 1 November, Mr. Alexander Yankov, Chairman of the International Law Commission at its thirty-sixth session, introduced the Commission's report on the work of that session. ^{1/} The Committee also had before it a note by the Secretary-General (A/39/412), prepared pursuant to a decision adopted by the Commission at its twenty-ninth session, containing the text of the draft articles provisionally adopted so far by the Commission on topics under current consideration, as well as a letter dated 12 June 1984 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General (A/39/306). At the 47th meeting, on 15 November, the Chairman of the Commission made a concluding statement on item 130.

^{1/} Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 10 (A/39/10).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/39/L.26

4. At the 65th meeting, on 7 December, the representative of Iraq introduced a draft resolution entitled "Report of the International Law Commission on the work of its thirty-sixth session" (A/C.6/39/L.26) sponsored by Algeria, Angola, Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cyprus, Ecuador, Egypt, France, the German Democratic Republic, Germany, the Federal Republic of, Ghana, Greece, Guatemala, Guyana, India, Iraq, Italy, Japan, Kenya, Lebanon, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Mongolia, Morocco, Mozambique, New Zealand, the Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, the Philippines, Qatar, Romania, Spain, the Sudan, Suriname, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Yemen, Yugoslavia and Zaire later joined by Bahrain, Barbados, Cape Verde, Honduras, Kuwait, Paraguay, Samoa, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Swaziland, the United Arab Emirates and Zambia.

5. At the same meeting, the Committee adopted draft resolution A/C.6/39/L.26 by consensus (see para. 6).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Having considered the report of the International Law Commission on the work of its thirty-sixth session, 2/

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 of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 3/ and to give increasing importance to its role in relations among States,

2/ Ibid.

3/ Resolution 2625 (XXV), annex.

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-sixth 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 all 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 385 to 397 of its report; 4/
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 intergovernmental 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;

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