

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 thirty-ninth session of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the *Ad Hoc* Committee;<sup>28</sup>

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 make available to the *Ad Hoc* Committee at its fifth session a topical summary of the discussions which took place in the Sixth Committee during the thirty-ninth session of the General Assembly and any up-to-date and relevant documentation on the subject;

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

8. *Decides* that the *Ad Hoc* Committee shall hold its fifth session for four weeks, from 8 April to 3 May 1985;

9. *Requests* the *Ad Hoc* Committee to make every effort to complete its mandate at its fifth session and to submit a draft convention to the General Assembly at its fortieth session;

10. *Decides* to include in the provisional agenda of its fortieth 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".

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### 39/85. Report of the International Law Commission

*The General Assembly,*

*Having considered* the report of the International Law Commission on the work of its thirty-sixth session,<sup>29</sup>

*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<sup>30</sup> 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-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;<sup>29</sup>

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;

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<sup>31</sup> and to prepare and distribute a topical summary of the debate.

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### 39/86. 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 the law of treaties between States and international organizations or between international organizations, adopted by the International Law Commission at its thirty-fourth session,<sup>32</sup>

*Recalling also* its resolution 38/139 of 19 December 1983, by which it decided that the appropriate forum for the final consideration of the draft articles should be a conference of plenipotentiaries to be convened not earlier than 1985 and agreed to decide at its thirty-ninth session upon the question of the date and place for the convening of the United Nations Conference on the Law of Treaties between States and International Organizations or

<sup>28</sup> *Ibid.*, Thirty-ninth Session, Sixth Committee, 49th-57th and 64th meetings.

<sup>29</sup> *Ibid.*, Thirty-ninth Session, Supplement No. 10 (A/39/10).

<sup>30</sup> Resolution 2625 (XXV), annex.

<sup>31</sup> See *Official Records of the General Assembly, Thirty-ninth Session, Sixth Committee, 33rd-47th and 55th meetings.*

<sup>32</sup> *Ibid.*, Thirty-seventh Session, Supplement No. 10 (A/37/10), chap. II, sect. D.

between International Organizations, as well as upon the question of participation in the Conference,

*Having received* the report of the Secretary-General,<sup>33</sup> which contains comments and observations submitted by States and principal international intergovernmental organizations, in accordance with General Assembly resolution 38/139,

*Recognizing* the importance of achieving a successful conclusion of the work of the Conference through the promotion of general agreement,

*Bearing in mind* the relationship between the law of treaties between States and the subject-matter to be dealt with by the Conference,

*Noting with appreciation* that an invitation has been extended by the Government of Austria to hold the Conference at Vienna,

1. *Decides* that the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations shall be held at Vienna from 18 February to 21 March 1986;

2. *Requests* the Secretary-General to invite:

(a) All States to participate in the Conference;

(b) Namibia, represented by the United Nations Council for Namibia, to participate in the Conference, in accordance with paragraph 6 of General Assembly resolution 37/233 C of 20 December 1982;

(c) Representatives of organizations that have received a standing invitation from the General Assembly to participate in the sessions and the work of all international conferences convened under its auspices in the capacity of observers to participate in the Conference in that capacity, in accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(d) Representatives of the national liberation movements recognized in its region by the Organization of African Unity to participate in the Conference as observers, in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(e) Representatives of international intergovernmental organizations that have traditionally been invited to participate as observers at legal codification conferences convened under the auspices of the United Nations to participate in the Conference in a capacity to be considered during the consultations referred to in paragraph 8 below and to be decided upon by the General Assembly at its fortieth session;

3. *Invites* the participants referred to in paragraph 2 above to include as far as possible among their representatives experts competent in the field to be considered;

4. *Decides* that the languages of the Conference shall be the official and working languages of the General Assembly, its committees and its sub-committees;

5. *Refers* to the Conference, as the basic proposal for its consideration, the draft articles on the law of treaties between States and international organizations or between international organizations adopted by the International Law Commission at its thirty-fourth session;

6. *Requests* the Secretary-General to submit to the Conference all relevant documentation and recommendations relating to the rules of procedure and methods of work, taking into account the importance of promoting general agreement on the final results of the work of the

Conference, and to arrange for the necessary staff, facilities and services which it will require, including the provision of summary records;

7. *Also requests* the Secretary-General to arrange for the presence at the Conference, as an expert, of the International Law Commission's Special Rapporteur on the question of treaties concluded between States and international organizations or between two or more international organizations;

8. *Appeals* to participants in the Conference to organize consultations, primarily on the organization and methods of work of the Conference, including rules of procedure, and on major issues of substance, including final clauses and settlement of disputes, prior to the convening of the Conference in order to facilitate a successful conclusion of its work through the promotion of general agreement;

9. *Decides* to include in the provisional agenda of its fortieth session an item entitled "Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations."

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### 39/87. Report of the Committee on Relations with the Host Country

*The General Assembly.*

*Having considered* the report of the Committee on Relations with the Host Country,<sup>34</sup>

*Recalling* Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations<sup>35</sup> and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,<sup>36</sup>

*Recalling further* that the problems related to the privileges and immunities of all missions accredited to the United Nations, the security of the missions and the safety of their personnel are of great importance and concern to Member States, as well as the primary responsibility of the host country,

*Noting with deep concern* the continued acts violating the security and the safety of the personnel of those missions accredited to the United Nations,

*Recognizing* that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations of the Committee on Relations with the Host Country contained in paragraph 58 of its report;<sup>34</sup>

2. *Strongly condemns* any terrorist and criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel;

3. *Urges* the host country to continue to take all necessary measures to ensure effectively the protection, security and safety of the missions accredited to the United Nations and their personnel, including practicable measures to prohibit illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts and activities against the security and safety of such missions and representatives;

<sup>33</sup> A/39/491.

<sup>34</sup> Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 26 (A/39/26 and Corr.1)

<sup>35</sup> Resolution 22 A (II)

<sup>36</sup> Resolution 169 (II).