

4. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law, and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

5. *Reaffirms also* the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia, in particular those organized on a regional basis, to promote such training and assistance, and, in this connection:

(a) Expresses its appreciation to the Kingdom of Lesotho and the Preferential Trade Area of Eastern and Southern African States for their collaboration with the secretariat of the Commission in organizing the seminar on international trade law held at Maseru and to the Governments whose contributions enabled the seminar to take place;

(b) Welcomes the initiatives being undertaken by the Commission and its secretariat to collaborate with other organizations and institutions in the organization of regional seminars;

(c) Invites Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law symposia, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and for the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

6. *Repeats its invitation* to those States which have not yet done so to consider ratifying or acceding to the following conventions:

(a) Convention on the Limitation Period in the International Sale of Goods, of 14 June 1974;<sup>26</sup>

(b) Protocol amending the Convention on the Limitation Period in the International Sale of Goods, of 11 April 1980;<sup>30</sup>

(c) United Nations Convention on the Carriage of Goods by Sea, of 31 March 1978;<sup>27</sup>

(d) United Nations Convention on Contracts for the International Sale of Goods, of 11 April 1980;<sup>31</sup>

7. *Welcomes* the decision of the Commission to collect and disseminate court decisions and arbitral awards relating to legal texts emanating from its work so as to further the uniformity of their application in practice;

8. *Renews its request* to the Secretary-General to make increased efforts to promote the adoption and use of the texts emanating from the work of the Commission;

9. *Recommends* that the Commission should continue its work on the topics included in its programme of work;

10. *Expresses its appreciation* for the important role played by the International Trade Law Branch of the Office of Legal Affairs of the Secretariat, as the substantive secretariat of the Commission, in assisting in the structuring and implementation of the work programme of the Commission, and invites the Secretary-General to consider taking whatever measures may be necessary, within existing resources, to provide the Commission with adequate substantive secretariat support.

76th plenary meeting  
9 December 1988

**43/167. Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives**

*The General Assembly,*

*Having considered* the report of the Secretary-General,<sup>32</sup>

*Conscious* of the need to develop and strengthen friendly relations and co-operation among States,

*Convinced* that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

*Alarmed* by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

*Concerned* at the failure to respect the inviolability of diplomatic and consular missions and representatives,

*Also concerned* at the abuse of diplomatic or consular privileges and immunities, particularly if acts of violence are involved,

*Emphasizing* the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

*Welcoming* measures already taken by States to this end in conformity with their international obligations,

*Convinced* that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

*Reaffirming* its resolution 42/154 of 7 December 1987,

1. *Takes note* of the report of the Secretary-General;

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives

<sup>30</sup> *Official Records of the United Nations Conference on Contracts for the International Sale of Goods. Vienna, 10 March-11 April 1980* (United Nations publication, Sales No. E.82.V.5), p. 191.

<sup>31</sup> *Ibid.*, p. 178.

<sup>32</sup> A/43/527 and Add.1-3.

and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical 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, representatives and officials;

4. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, and to bring offenders to justice;

5. *Recommends* that States should co-operate closely through, *inter alia*, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to exchange of information on the circumstances of all serious violations thereof;

6. *Calls 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;

7. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

8. *Requests* all States to report to the Secretary-General in accordance with the provisions of resolution 42/154;

9. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

10. *Decides* to include in the provisional agenda of its forty-fifth 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".

76th plenary meeting  
9 December 1988

**43/168. 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,*

*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 and 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, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

*Recalling in particular* its resolution 42/155 of 7 December 1987, by which it decided to renew the mandate of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries,

*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, 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,<sup>5</sup>

*Bearing in mind also* that every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into another State,

*Recognizing* that the recruitment, use, financing and training of mercenaries by States is contrary to fundamental principles of international law, such as the duty to refrain from the threat or use of force, non-intervention in the internal affairs, territorial integrity or political independence of other States, and seriously impedes the process of self-determination of people 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 the activities of mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

*Welcoming* the wide and effective participation of members of the *Ad Hoc* Committee in the work of the Committee and the participation of a large number of observers in that work,

*Taking into account* the work done so far by the *Ad Hoc* Committee,

*Reaffirming* the need for the conclusion, 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;<sup>33</sup>

2. *Decides* to renew the mandate of the *Ad Hoc* Committee with a view to completing as soon as possible a draft international convention against the recruitment, use, financing and training of mercenaries;

3. *Requests* the *Ad Hoc* Committee, in the fulfilment of its mandate, to use the draft articles contained in chapter III of its report,<sup>33</sup> entitled "Third revised consolidated negotiating basis of a convention against the recruitment, use, financing and training of mercenaries" as a basis for future negotiation on the text of the proposed international convention;

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

<sup>33</sup> Official Records of the General Assembly, Forty-third Session, Supplement No. 43 (A/43/43).