

Recalling further its resolution 43/51 of 5 December 1988, by which it approved the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, annexed thereto,

Considering that the world political climate has improved and that, although sources of disputes and tension in international relations still remain, including the use of force and the threat thereof, encouraging progress has been made towards finding peaceful solutions to regional and global problems,

Taking into account the need to exert the utmost effort in order to settle any situations and disputes between States on the basis of sovereign equality and exclusively by peaceful means, in conformity with the Charter of the United Nations, and to avoid any military actions and hostilities against other States, which can only make more difficult the solution of existing problems,

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations and that efforts for strengthening the process of peaceful settlement of disputes should be continued,

Emphasizing the responsibility of every State for the promotion of a policy of respect for the national independence and sovereignty of other States, non-interference in internal affairs, and good understanding and co-operation, which is a basic requirement for reducing tension and for establishing a climate of peace and mutual confidence in the world,

Bearing in mind the decision in its resolution 44/23 of 17 November 1989 to proclaim the period 1990-1999 the United Nations Decade of International Law, which will contribute to the strengthening of all means of peaceful settlement of disputes between States,

Taking note with interest of the report of the Secretary-General,²⁵ submitted in accordance with its resolution 43/163, which contains useful opinions, proposals and considerations for a broader implementation of the Manila Declaration,

1. *Again urges* all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;
2. *Stresses* the need to continue efforts to strengthen the process of the peaceful settlement of disputes through progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;
3. *Calls upon* Member States to make full use, in accordance with the Charter of the United Nations, of the framework provided by the United Nations for the peaceful settlement of disputes and international problems;
4. *Requests* the Secretary-General to submit to the General Assembly at its forty-fifth session a further report containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional inter-governmental organizations and interested international legal bodies on the implementation of the Manila Declaration and on ways and means of increasing the effectiveness of this instrument;
5. *Decides* that the question of the peaceful settlement of disputes between States shall be considered at its forty-fifth session as a separate agenda item, in conjunction with

the item of the provisional agenda entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

72nd plenary meeting
4 December 1989

44/32. Draft Code of Crimes 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 Commission and submitted to the General Assembly in 1954,²⁶

Reaffirming 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,

Recalling also its resolution 36/106 of 10 December 1981, in which it invited the Commission to resume its work with a view to elaborating the draft Code and to examine it with the required priority in order to review it, taking into account the results achieved by the process of the progressive development of international law,

Bearing in mind that the Commission should fulfil its task on the basis of early elaboration of draft articles thereof,

Having considered chapter III of the report of the Commission on the work of its forty-first session,²⁷

Taking note of the report of the Secretary-General on the subject,²⁸

Taking into account the views expressed during the debate on this item at its forty-fourth session,

Recognizing the importance and urgency of the subject,

1. *Invites* the International Law Commission to continue its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, including the elaboration of a list of crimes, taking into account the progress made at its forty-first session, as well as the views expressed during the forty-fourth session of the General Assembly;
2. *Notes* the approach currently envisaged by the Commission in dealing with the judicial authority to be assigned for the implementation of the provisions of the draft Code, and encourages the Commission to explore further all possible alternatives on the question;
3. *Requests* the Secretary-General to continue to seek the views of Member States regarding the conclusions contained in paragraph 69 (c)(i) of the Commission's report on the work of its thirty-fifth session;²⁹

²⁶ *Official Records of the General Assembly, Ninth Session, Supplement No. 9 (A/2693)*, para. 54.

²⁷ *Ibid.*, *Forty-fourth Session, Supplement No. 10 (A/44/10)*.

²⁸ *A/44/465*.

²⁹ *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10 (A/38/10)*.

²⁵ *A/44/460 and Add.1*.

4. *Also requests* the Secretary-General to include the views received from Member States in accordance with paragraph 3 of the present resolution in a report to be submitted to the General Assembly at its forty-fifth session;

5. *Decides* to include in the provisional agenda of its forty-fifth session the item entitled "Draft Code of Crimes against the Peace and Security of Mankind", to be considered in conjunction with the examination of the report of the Commission.

72nd plenary meeting
4 December 1989

44/33. Report of the United Nations Commission on International Trade Law on the work of its twenty-second session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade, as well as its resolution 43/166 of 9 December 1988,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-second session,³⁰

Noting that the Commission adopted a draft convention on the liability of operators of transport terminals in international trade³¹ and recommended in the decision in paragraph 225 of its report that the General Assembly should convene an international conference of plenipotentiaries for a duration of three weeks in 1991 to conclude, on the basis of the draft convention, a convention on the liability of operators of transport terminals in international trade,

Recognizing the need for the Commission to have adequate sources of funding for its programme of training and assistance in international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its twenty-second session;

2. *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;

3. *Calls upon* the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth³² and seventh³³ special sessions;

4. *Expresses its appreciation* to the Commission for the valuable work done in preparing a draft convention on the liability of operators of transport terminals in international trade;

5. *Decides* that an international conference of plenipotentiaries shall be convened at Vienna from 2 to 19 April 1991 to consider the draft convention prepared by the Commission and to embody the results of its work in a convention on the liability of operators of transport terminals in international trade;

6. *Requests* the Secretary-General:

(a) To invite all States to participate in the conference;

(b) To invite 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 Assembly resolutions 3237 (XXIX) of 22 November 1974 and 31/152 of 20 December 1976;

(c) To invite representatives of the national liberation movements recognized by the Organization of African Unity in its region to participate in the conference in the capacity of observers in accordance with General Assembly resolution 3280 (XXIX) of 10 December 1974;

(d) To invite the specialized agencies and the International Atomic Energy Agency, as well as interested organs of the United Nations and interested international organizations, to be represented at the conference by observers;

7. *Reaffirms* 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 Commission for organizing the symposium on international trade law held in conjunction with the twenty-second session of the Commission and to the Governments whose contributions enabled the symposium to take place;

(b) 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 and, 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 in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

8. *Repeats its invitation* to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission;

9. *Approves* the initiative of the Commission³⁴ to have prepared an official Arabic language version of the Con-

³² Resolutions 3201 (S-VI) and 3202 (S-VI).

³³ Resolution 3362 (S-VII).

³⁴ See *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 17 (A/44/17)*, chap. VIII.

³⁰ *Ibid.*, Forty-fourth Session, Supplement No. 17 (A/44/17).

³¹ *Ibid.*, annex I.