

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,

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 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-third session a report containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional intergovernmental organizations and interested international legal bodies on the implementation of the Manila Declaration on the Peaceful Settlement of International Disputes 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-third 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".

94th plenary meeting
7 December 1987

42/151. 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 International Law Commission and submitted to the General Assembly in 1954,¹¹

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,

Recalling also its resolution 36/106 of 10 December 1981, in which it invited the International Law 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 International Law Commission should fulfil its task on the basis of early elaboration of draft articles thereof,

Having considered chapter II of the report of the International Law Commission on the work of its thirty-ninth session,¹²

Taking note of the report of the Secretary-General on the subject,¹³

Taking into account the views expressed during the debate on this item at the forty-second session,¹⁴

Recognizing the importance and urgency of the subject,

1. *Agrees* with the recommendation in paragraph 65 of the report of the International Law Commission to amend the title of this topic in English, in order to achieve greater uniformity and equivalence between different language versions;

2. *Invites* the 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 thirty-ninth session,¹² as well as the views expressed during the forty-second session of the General Assembly;¹⁴

3. *Requests* the Secretary-General 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;¹⁵

4. *Further requests* the Secretary-General to include the views received from Member States in accordance with paragraph 3 above in a report to be submitted to the General Assembly at its forty-third session;

5. *Decides* to include in the provisional agenda of its forty-third 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 International Law Commission.

94th plenary meeting
7 December 1987

42/152. Report of the United Nations Commission on International Trade Law on the work of its twentieth 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,

Recalling also its resolutions 3201 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974 and 3362 (S-VII) of 16 September 1975,

¹² *Ibid.*, Forty-second Session, Supplement No. 10 (A/42/10).

¹³ A/42/484 and Add.1 and 2.

¹⁴ See *Official Records of the General Assembly, Forty-second Session, Sixth Committee*, 35th to 49th and 58th meetings, and corrigendum.

¹⁵ *Ibid.*, Thirty-eighth Session, Supplement No. 10 (A/38/10).

¹¹ *Official Records of the General Assembly, Ninth Session, Supplement No. 9 (A/2693)*, para. 54.

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 co-operation 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 regard for the need to take into account the different social and legal systems in harmonizing and unifying international trade law,

Stressing the value of participation by States at all levels of economic development, including developing countries, in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twentieth session,¹⁶

Considering that legally sound, balanced and equitable international contracts for the construction of industrial works are important for all countries,

Being of the opinion that the Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works adopted by the Commission at its twentieth session,¹⁷ which identifies the legal issues to be dealt with in such contracts and suggests solutions to those issues, will be helpful to all parties in concluding such contracts,

Noting that the Convention on the Limitation Period in the International Sale of Goods, of 14 June 1974,¹⁸ will come into force upon the deposit of one additional ratification or accession,

Being aware that the United Nations Convention on the Carriage of Goods by Sea, of 31 March 1978,¹⁹ was prepared at the request of developing countries,

Being convinced that widespread adherence to the conventions emanating from the work of the Commission would benefit the peoples of all States,

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

2. *Commends* the Commission for the progress made in its work and for having reached decisions by consensus;

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 sixth²⁰ and seventh²¹ special sessions;

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 Commis-

sion, 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 those regional organizations and institutions which have collaborated with the secretariat of the Commission in organizing regional seminars and symposia in the field of international trade law;

(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, international organizations and institutions to assist the secretariat of the Commission in financing and organizing regional seminars and symposia, in particular in developing countries;

(d) Invites Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to allow the resumption of the programme of the Commission for the award of fellowships on a regular basis to candidates from developing countries to enable them to participate in such seminars and symposia;

6. *Takes note with appreciation* of the completion by the Commission of the draft Convention on International Bills of Exchange and International Promissory Notes;²²

7. *Notes with particular satisfaction* the completion and adoption by the Commission of the Legal Guide on Drawing Up International Contracts for the Construction of Industrial Works;

8. *Recommends* that all efforts should be made so that the Legal Guide becomes generally known and available;

9. *Invites* 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;¹⁸

(b) Protocol amending the Convention on the Limitation Period in the International Sale of Goods, of 11 April 1980;²³

(c) United Nations Convention on the Carriage of Goods by Sea, of 31 March 1978;¹⁹

(d) United Nations Convention on Contracts for the International Sale of Goods, of 11 April 1980;²⁴

10. *Requests* the Secretary-General to make increased efforts to promote the adoption and use of the texts emanating from the work of the Commission and to submit to the General Assembly at its forty-fourth session a report concerning the status of the conventions;

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

¹⁶ *Ibid.*, Forty-second Session, Supplement No. 17 (A/42/17).

¹⁷ *Ibid.*, chap. III, sect. A. The Legal Guide was subsequently issued as United Nations publication, Sales No. E.87.V.10.

¹⁸ *Official Records of the United Nations Conference on Prescription (Limitation) in the International Sale of Goods, New York, 20 May-14 June 1974* (United Nations publication, Sales No. E.74.V.8), p. 101.

¹⁹ *Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978* (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.

²⁰ Resolutions 3201 (S-VI) and 3202 (S-VI).

²¹ Resolution 3362 (S-VII).

²² *Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17)*, annex 1.

²³ *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.

²⁴ *Ibid.*, p. 178.

12. *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.

*94th plenary meeting
7 December 1987*

42/153. Draft Convention on International Bills of Exchange and International Promissory Notes

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 the object of promoting the progressive harmonization and unification of the law of international trade,

Reaffirming its conviction that divergencies arising from the laws of different States in matters relating to international trade constitute one of the obstacles to the development of world trade,

Being aware that the Commission, at its fourth session in 1971, decided to proceed with work directed towards the preparation of uniform rules applicable to a special negotiable instrument for optional use in international transactions in order to overcome the divergencies arising out of the existence of two main systems of law governing negotiable instruments,²⁵

Recalling that, in its resolution 41/77 of 3 December 1986, it requested the Commission to complete, at its twentieth session, the work on the draft Convention on International Bills of Exchange and International Promissory Notes²⁶ and decided to consider the draft Convention during its forty-second session with a view to its adoption or other appropriate action,

Taking note of the draft Convention adopted by the Commission at its twentieth session,²²

Recognizing that Governments should be given sufficient time to study the draft Convention,

1. *Expresses its appreciation* for the work achieved by the United Nations Commission on International Trade Law in the preparation of the draft Convention on International Bills of Exchange and International Promissory Notes;

2. *Requests* the Secretary-General to draw the attention of all States to the draft Convention, to ask them to submit the observations and proposals they wish to make on the draft Convention before 30 April 1988 and to circulate these observations and proposals to all Member States before 30 June 1988;

3. *Decides* to consider, at its forty-third session, the draft Convention on International Bills of Exchange and International Promissory Notes, with a view to its adoption at that session, and to create to this end, in the framework of the Sixth Committee, a working group that will meet for a maximum period of two weeks at the beginning

of the session, in order to consider the observations and proposals made by States.

*94th plenary meeting
7 December 1987*

42/154. 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,²⁷

Emphasizing the important role of diplomatic and consular missions and representatives, as well as of missions and representatives to international intergovernmental organizations and officials of such organizations, in the maintenance of international peace and the promotion of friendly relations among States, and also the need for enhancing global understanding thereof,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations, in particular those aimed at ensuring the inviolability of diplomatic and consular missions and representatives, 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,

Concerned at the continued failure to respect the inviolability of diplomatic and consular missions and representatives, and at the serious threat presented by such violations to the maintenance of normal and peaceful international relations, which are necessary for co-operation among States,

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

Alarmed by the 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,

Expressing its sympathy for the victims of such illegal acts,

Emphasizing the duty of States to take all appropriate steps, as required by international law:

(a) To protect the premises of diplomatic and consular missions, as well as of missions to international intergovernmental organizations,

(b) To prevent any attacks on diplomatic and consular representatives, as well as on representatives to international intergovernmental organizations and officials of such organizations,

(c) To apprehend the offenders and to bring them to justice,

Noting that, in spite of the call by the General Assembly at its previous sessions, not all States have yet become parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives,

Welcoming the measures already taken by States in conformity with their international obligations to enhance the

²⁵ See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 17 (A/8417)*, chap. III, sect. A.

²⁶ *Ibid.*, *Forty-first Session, Supplement No. 17 (A/41/17)*, annex I.

²⁷ A/42/485 and Add.1-5 and Add.5/Corr.1.