

(d) Calls upon Governments to ensure co-ordination in respect of the work programmes of the various international organizations in which they are represented;

(e) Welcomes the invitation by the Hague Conference on Private International Law to all States to participate in the extraordinary session to be held in 1985 to revise the 1955 Hague Convention on the Law Applicable to International Sales of Goods,<sup>8</sup> and also to States members of the Commission to attend a session, to be held in 1982, of the Special Commission which will consider the preparatory work for the revision;

(f) Welcomes the invitation by the International Institute for the Unification of Private Law to States members of the Commission that are not members of the Institute to participate in its Committee of Governmental Experts which considered a draft Uniform Law on Agency of an International Character in the International Sale of Goods at a meeting held from 2 to 13 November 1981;

6. *Reaffirms* the importance, in particular for the developing countries, of the work of the United Nations Commission on International Trade Law concerned with training and assistance in the field of international trade law and, in this connection:

(a) Expresses its appreciation to the States which contributed to fellowships for participants from developing countries at the Second Symposium on International Trade Law, held by the Commission from 22 to 26 June 1981, and to the Commission for the success of the Symposium;

(b) Stresses the desirability of the Commission sponsoring symposia and seminars, including those organized on a regional basis, to promote training and assistance in the field of international trade law, and recommends that the Commission should continue to sponsor such symposia and seminars;

(c) Welcomes the initiatives being undertaken to sponsor regional seminars jointly with regional organizations, such as the Asian-African Legal Consultative Committee and the Inter-American Juridical Committee;

(d) Invites Governments, relevant United Nations organs, organizations, institutions and individuals to assist the secretariat of the Commission in financing and organizing symposia and seminars;

7. *Stresses* the importance of bringing into effect the conventions emanating from the work of the United Nations Commission on International Trade Law for the global unification and harmonization of international trade law;

8. *Requests* the Secretary-General to bring the Convention on the Limitation Period in the International Sale of Goods, of 12 June 1974,<sup>9</sup> the Protocol amending the Convention on the Limitation Period in the International Sale of Goods, of 10 April 1980,<sup>10</sup> the United Nations Convention on the Carriage of Goods by Sea, of 30 March 1978,<sup>11</sup> and the United Nations Convention on Contracts for the International Sale of Goods, of 10 April 1980,<sup>12</sup> to the notice of all States that have not ratified or acceded to them, and

to provide those States with appropriate information as to the mode of their entry into force and the current status of ratifications and accessions, and to draw the attention of those States to the views of the United Nations Commission on International Trade Law contained in its decision of 22 June 1981,<sup>13</sup> in which the Commission emphasized that an early entry into force and a wide acceptance of the instruments mentioned would be of great value for the unification of international trade law;

9. *Affirms* the importance of the participation of observers from all States and interested international organizations at sessions of the United Nations Commission on International Trade Law and its Working Groups;

10. *Recommends* that the United Nations Commission on International Trade Law should continue its work on the topics included in its programme of work;

11. *Reaffirms* the importance of the programme of work of the United Nations Commission on International Trade Law and of the increased role of the International Trade Law Branch of the Office of Legal Affairs of the Secretariat as the substantive secretariat of the Commission;

12. *Requests* the Secretary-General to forward to the United Nations Commission on International Trade Law the records of the discussion at the thirty-sixth session of the General Assembly relating to the report of the Commission on the work of its fourteenth session.

*57th plenary meeting  
13 November 1981*

### **36/33. 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 submitted under this item,<sup>14</sup>

*Reaffirming* its resolution 35/168 of 15 December 1980,

*Emphasizing* the duty of States to take all appropriate steps to protect the premises of diplomatic and consular missions and prevent any attacks on diplomatic and consular representatives,

*Recognizing* the necessity to ensure the protection, security and safety of missions and of representatives to international intergovernmental organizations, as well as of officials of such organizations,

*Deeply concerned* about the continued large number of violations of, and failures to respect, the inviolability of diplomatic and consular missions and representatives,

*Noting* that only a small number of States have so far, in response to the call by the General Assembly at its thirty-fifth session, become parties to the relevant conventions concerning the inviolability of diplomatic and consular missions and representatives,

*Convinced* that the reporting procedures established under resolution 35/168 are an important step in the efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

*Desiring* to maintain and strengthen those reporting procedures,

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

<sup>8</sup> United Nations, *Treaty Series*, vol. 510, No. 7411, p. 147.

<sup>9</sup> *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.

<sup>10</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>11</sup> *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.

<sup>12</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. 178.

<sup>13</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 17 (A/36/17)*, para. 118.

<sup>14</sup> A/36/445 and Corr.1 and Add.1-3.

against missions and representatives to international inter-governmental organizations and officials of such organizations;

3. *Urges* States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction, including practicable 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 and representatives;

4. *Recommends* that States co-operate closely, *inter alia*, through contacts between the diplomatic and consular mission and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

5. *Calls anew 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, *inter alia*, the Vienna Convention on Diplomatic Relations of 1961,<sup>15</sup> the Vienna Convention on Consular Relations of 1963,<sup>16</sup> and the respective optional protocols thereto, as well as the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;<sup>17</sup>

6. *Calls upon* States, in cases where a dispute arises in connection with a violation of the principles and rules of international law concerning the inviolability of diplomatic and consular missions and representatives, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General;

7. *Invites* all States to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives, invites the State in which the violation took place and, where applicable, the State where the alleged offender is present to report also on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and further invites the State in which the violation took place to report also on the measures aimed at preventing a repetition of such violations;

8. *Requests* the Secretary-General to circulate to all States upon receipt the reports received by him pursuant to paragraph 7 above, unless requested otherwise by the reporting State;

9. *Requests* the Secretary-General to invite States to inform him of their views with respect to any measures needed to enhance the protection, security and safety of diplomatic and consular missions and representatives;

10. *Requests* the Secretary-General, when a serious violation has been reported to him pursuant to paragraph 7 above, to draw the attention, when appropriate, of the State where the violation occurred and, when applicable, of the State where the alleged offender is present to the reporting procedures established in resolution 35/168 and reaffirmed in paragraph 7 above;

11. *Requests* the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the state of ratification of, and accessions to, the instruments

referred to in paragraph 5 above, as well as the reports received and views expressed pursuant to paragraphs 7 and 9 above, and invites him to submit any views he may wish to express on these matters;

12. *Decides* to include in the provisional agenda of its thirty-seventh 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".

57th plenary meeting  
13 November 1981

### 36/76. 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,*

*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, as 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>18</sup>

*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, 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 and 419 (1977) of 24 November 1977, in which the United Nations denounced the practice of using mercenaries against developing countries and national liberation movements,

*Recalling*, in particular, its resolution 35/48 of 4 December 1980, by which it established an *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, composed of thirty-five Member States,

*Having considered* the report of the *Ad Hoc* Committee,<sup>19</sup>

*Recognizing* that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples 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 mercenaries would contribute immensely to the implementation of the purposes and principles of the Charter,

*Taking account* of the fact that the *Ad Hoc* Committee has not completed the mandate entrusted to it,

*Reaffirming* the need for the elaboration 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;

2. *Decides* that the *Ad Hoc* Committee shall continue its work with the goal of drafting at the earliest possible

<sup>15</sup> United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

<sup>16</sup> *Ibid.*, vol. 596, No. 8638, p. 261.

<sup>17</sup> Resolution 3166 (XXVIII), annex.

<sup>18</sup> Resolution 2625 (XXV), annex.

<sup>19</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 43 (A/36/43)*.