



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/35/615
12 November 1980

ORIGINAL: ENGLISH

Thirty-fifth session
Agenda item 102

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

1. The item entitled "Draft Code of Offences against the Peace and Security of Mankind: report of the Secretary-General" was included in the provisional agenda of the thirty-fifth session of the General Assembly pursuant to paragraph 3 of Assembly resolution 33/97 of 16 December 1978.
2. On the recommendation of the General Committee, the General Assembly decided, at its 3rd plenary meeting on 19 September 1980, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with the item, the Sixth Committee had before it a report of the Secretary-General (A/35/210 and Add.1 and 2 and Add.2/Corr.1) containing comments and observations on the draft Code, including comments on the procedure to be adopted, submitted by Member States and relevant international intergovernmental organizations pursuant to paragraph 1 of General Assembly resolution 33/97.
4. The Sixth Committee considered the item at its 10th to 15th meetings, between 3 and 8 October, and at its 40th meeting, on 6 November 1980. The summary records of those meetings (A/C.6/35/SR.10-15 and 40) contain the views of representatives who spoke during the consideration of the item.
5. At the 40th meeting, on 6 November, the representative of Zaire introduced a draft resolution (A/C.6/35/L.7) sponsored by Austria, Egypt, the German Democratic Republic, India, Madagascar, Mexico, Mongolia, Morocco, Nigeria, the Philippines, Romania, Rwanda, Somalia, Sweden, Togo, the United Republic of Tanzania, the Upper Volta, Zaire, Zambia and Zimbabwe, later joined by Bangladesh, Panama and Sierra Leone.
6. At the same meeting, the Committee adopted draft resolution A/C.6/35/L.7 by consensus.

RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Draft Code of Offences against the Peace and Security of Mankind

The General Assembly,

Recalling the draft Code of Offences against the Peace and Security of Mankind prepared by the International Law Commission in 1954, 1/

Bearing in mind its resolution 33/97 of 16 December 1978, by which it decided to accord priority and the fullest possible consideration to the item entitled "Draft Code of Offences against the Peace and Security of Mankind",

Recalling the 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 of the United Nations,

Having considered the report of the Secretary-General submitted pursuant to resolution 33/97, 2/

Noting that further comments and observations on the draft Code of Offences against the Peace and Security of Mankind are yet to be submitted by Member States and relevant international intergovernmental organizations,

Taking into account the statements made during the debate on this item,

1. Requests the Secretary-General to reiterate his invitation to Member States and relevant international intergovernmental organizations to submit or update, not later than 30 June 1981, their comments and observations on the draft Code of Offences against the Peace and Security of Mankind and, in particular, to inform him of their views on the procedure to be followed in the future consideration of that item, including the suggestion of having the item referred to the International Law Commission;

2. Requests the Secretary-General, on the basis of the replies submitted by Member States and relevant international intergovernmental organizations and the statements made during the debate on this item, to prepare an analytical paper in order to facilitate the further consideration of the item;

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

2/ A/35/210 and Add.1 and 2 and Add.2/Corr.1.

3. Further requests the Secretary-General to submit a report to the General Assembly at its thirty-sixth session;

4. Decides to include in the provisional agenda of its thirty-sixth session the item entitled "Draft Code of Offences against the Peace and Security of Mankind" and to accord it priority and the fullest possible consideration.
