



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/32/247
17 November 1977

ORIGINAL: ENGLISH

Thirty-second session

REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM
IN THE AGENDA OF THE THIRTY-SECOND SESSION

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Letter dated 9 November 1977 from the representatives of Barbados, Fiji, Mexico, Nigeria, Panama, the Philippines and the Syrian Arab Republic to the United Nations addressed to the Secretary-General

We have the honour to request hereby the inclusion in the agenda of the thirty-second session of the General Assembly of an item entitled "Draft Code of Offences against the Peace and Security of Mankind". This request is made pursuant to rule 15 of the rules of procedure of the General Assembly, in view of the important and urgent character of the subject matter.

In accordance with rule 20 of the rules of procedure, an explanatory memorandum is attached.

(Signed) Donald G. BLACKMAN
Permanent Representative of
Barbados to the United Nations

(Signed) Leslie O. HARRIMAN
Permanent Representative of
Nigeria to the United Nations

(Signed) Berenado VUNIBOBO
Permanent Representative of
Fiji to the United Nations

(Signed) Jorge Enrique ILLUECA
Permanent Representative of
Panama to the United Nations

(Signed) Roberto de ROSENZWEIG-DIAZ
Permanent Representative of
Mexico to the United Nations

(Signed) Alejandro D. YANGO
Acting Permanent Representative
of the Philippines to the United Nations

(Signed) Mowaffak ALLAF
Permanent Representative of
the Syrian Arab Republic to the
United Nations

ANNEX

Explanatory memorandum

1. By its resolution 177 (II) of 21 November 1947, the General Assembly entrusted the International Law Commission with the task of preparing a draft code of offences against the peace and security of mankind. In 1951, the Commission submitted to the Assembly a draft Code consisting of five articles, 1/ together with commentaries thereon for the consideration of Member States.
2. In light of the observations by Governments, the Commission prepared a revised draft Code and submitted it to the General Assembly in 1954. 2/
3. In view of the close relation between the problems raised by the draft Code of Offences against the Peace and Security of Mankind and those of the definition of aggression, the General Assembly, in its resolution 897 (IX) of 4 December 1954, decided to postpone further consideration of the draft Code of Offences against the Peace and Security of Mankind until a special committee, set up to define aggression, had submitted its report.
4. The Special Committee having failed to reach agreement on a definition of aggression, the General Assembly, at its eleventh session, postponed consideration of the item to its twelfth session in 1957. 3/ It correspondingly postponed consideration of the draft Code of Offences against the Peace and Security of Mankind.
5. In 1957, the General Assembly, by resolution 1186 (XII) of 11 December 1957, decided to defer temporarily consideration of the question of the draft Code of Offences against the Peace and Security of Mankind until such time as the General Assembly agreed on a definition of aggression.
6. In 1967, the General Assembly included in the agenda of its twenty-second session an item entitled "Need to expedite the drafting of a definition of aggression in the light of the present international situation". The Assembly adopted resolution 2330 (XXII) of 18 December 1967, whereby it established a new Special Committee on the Question of Defining Aggression.
7. The Secretary-General in his memorandum of 24 September 1968 4/ inquired of

1/ Official Records of the General Assembly, Sixth Session, Supplement No. 9 (A/1858), chap. IV.

2/ Ibid., Ninth Session, Supplement No. 9 (A/2693), chap. III.

3/ See *ibid.*, Eleventh Session, annexes, agenda item 8, document A/BUR/143, para. 4.

4/ Ibid., Twenty-third Session, annexes, agenda item 8, document A/BUR/171/Rev.1, para. 4.

the General Committee whether in view of the developments, as described in the preceding paragraph, it would wish to include in the agenda of the twenty-third session the item on the draft Code of Offences against the Peace and Security of Mankind.

8. The General Committee decided that it would be desirable to include in the agenda of the General Assembly the item entitled "Draft Code of Offences against the Peace and Security of Mankind" only after a definition of aggression had been adopted by the Assembly. 5/

9. The aforesaid Special Committee, set up in 1968, in its determination to achieve a definition of aggression, extended annually - with the approval of the General Assembly - its mandate into the following year, gradually making progress towards achieving the task entrusted to it. In 1974, the Special Committee finally reached agreement on a definition of aggression, adopted a draft and submitted it to the General Assembly at its twenty-ninth session. The Definition of Aggression was subsequently adopted by the General Assembly in resolution 3314 (XXIX) of 14 December 1974.

10. The International Law Commission, in its report on the work of its twenty-ninth session, referred to the advisability of the General Assembly giving consideration to the draft Code of Offences against the Peace and Security of Mankind, including the possibility of a review by the Commission of the draft Code if the General Assembly so wished, having regard to the fact that the Definition of Aggression had now been approved by the General Assembly in resolution 3314 (XXIX). 6/

11. In light of the above developments and in accordance with General Assembly resolution 1186 (XII), it is appropriate and expedient that the General Assembly take up consideration of an item entitled "Code of Offences against the Peace and Security of Mankind".

12. Such a code would be a vital link in the series of legal instruments towards a measure of international legal order and security, so direly needed in our present state of world affairs.

5/ Ibid., document A/7250, para. 10.

6/ Ibid., Thirty-second Session, Supplement No. 10 (A/32/10), para. 111.