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Agenda item 124

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Report of the Sixth Committee

Rapporteur: Mr. Ibrahim Abdul-Aziz OMAR (Libyan Arab Jamahiriya)

1. The item entitled "Draft Code of Offences against the Peace and Security of Mankind" was included in the provisional agenda of the thirty-third session of the General Assembly pursuant to its decision 32/441 of 16 December 1977.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 22 September 1978, to include the item in its agenda and at its 5th plenary meeting, held on the same date, to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 61st to 65th and 67th meetings, between 1 and 8 December 1978. The summary records of these meetings (A/C.6/33/SR.61-65 and 67) contain the views of representatives who spoke during the consideration of this item.
4. At the 65th meeting, on 7 December, the representative of Mexico introduced a draft resolution on the item (A/C.6/33/L.15) sponsored by Barbados, Cyprus, the German Democratic Republic, Mexico, Mongolia, Nigeria, the Philippines, the Syrian Arab Republic and Venezuela, later joined by the Byelorussian Soviet Socialist Republic, Colombia, Sierra Leone, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics. The text of the draft resolution read as follows:

"The General Assembly,

"Recalling that the International Law Commission submitted a draft Code of Offences against the Peace and Security of Mankind in 1954,

"Recalling further that the General Assembly decided, by its resolutions 897 (IX) of 4 December 1954 and 1186 (XII) of 11 December 1957 to postpone the

consideration of the item entitled 'Draft Code of Offences against the Peace and Security of Mankind' until a definition of aggression had been adopted by the Assembly,

"Bearing in mind that resolution 3314 (XXIX) of 14 December 1974 entitled 'Definition of Aggression' was adopted by the General Assembly in 1974,

"Having considered the statements made during the debate on this item,

"1. Requests the Secretary-General to invite Member States to submit their comments and observations on the draft Code of Offences against the Peace and Security of Mankind not later than 30 June 1979 and to prepare a report to be submitted to the thirty-fourth session of the General Assembly;

"2. Decides to include in the provisional agenda of its thirty-fourth session the item entitled 'Draft Code of Offences against the Peace and Security of Mankind'."

5. At the 67th meeting, on 8 December, the representative of Mexico, on behalf of the sponsors of draft resolution A/C.6/33/L.15, orally revised it so that the last preambular paragraph and the operative part of the draft resolution would read as follows:

"Having considered the statements made during the debates on this item,

"1. Requests the Secretary-General to invite Member States and relevant international intergovernmental organizations to submit their comments and observations on the draft Code of Offences against the Peace and Security of Mankind, including comments on the procedure to be adopted, not later than 31 December 1979 and to prepare a report to be submitted to the General Assembly at its thirty-fifth session;

"2. Also requests the Secretary-General to circulate to Member States and relevant international intergovernmental organizations reports prepared for and by the International Law Commission, the summary records of the relevant debates in the General Assembly and all other relevant official documentation on the item;

"3. Decides to include in the provisional agenda of its thirty-fifth 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."

6. At the same meeting, the representative of France proposed an oral amendment to draft resolution A/C.6/33/L.15 whereby the second preambular paragraph of the draft resolution would be replaced by the following:

"Recalling further General Assembly resolutions 897 (IX) and 898 (IX) of 4 December 1954, 1186 (XII) and 1187 (XII) of 11 December 1957 and 3314 (XXIX) of 14 December 1974,"

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7. At the 67th meeting, the oral amendment proposed by the representative of France was rejected by a vote of 25 to 41, with 32 abstentions. Draft resolution A/C.6/33/L.15, as orally revised by the representative of Mexico, was adopted by 79 votes to none, with 23 abstentions (see para. 8 below). Statements in explanation of vote were made by the representatives of the United States of America, the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland, Sweden, Jamaica, Israel and Canada.

#### RECOMMENDATION OF THE SIXTH COMMITTEE

8. 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 that the International Law Commission submitted a draft Code of Offences against the Peace and Security of Mankind in 1954, 1/

Recalling further that the General Assembly decided, by its resolutions 897 (IX) of 4 December 1954 and 1186 (XII) of 11 December 1957, to postpone the consideration of the item entitled "Draft Code of Offences against the Peace and Security of Mankind" until a definition of aggression had been adopted by the Assembly,

Bearing in mind that on 14 December 1974 the General Assembly adopted resolution 3314 (XXIX) entitled "Definition of Aggression",

Having considered the statements made during the debates on this item,

1. Requests the Secretary-General to invite Member States and relevant international intergovernmental organizations to submit their comments and observations on the draft Code of Offences against the Peace and Security of Mankind, including comments on the procedure to be adopted, not later than 31 December 1979 and to prepare a report to be submitted to the General Assembly at its thirty-fifth session;

2. Also requests the Secretary-General to circulate to Member States and relevant international intergovernmental organizations reports prepared for and by the International Law Commission, the summary records of the relevant debates in the General Assembly and all other relevant official documentation on the item;

3. Decides to include in the provisional agenda of its thirty-fifth 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.

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