



General Assembly

Distr.
LIMITED

A/C.6/41/L.16
18 November 1986

ORIGINAL: ENGLISH

Forty-first session
SIXTH COMMITTEE
Agenda item 125

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Algeria, Angola, Benin, Cuba, Cyprus, Egypt, Equatorial Guinea,
German Democratic Republic, Kenya, Mali, Mongolia, Morocco,
Nigeria, Philippines, Poland, Qatar, Rwanda, Senegal, Sudan,
Tunisia, Uganda and Zambia: draft resolution

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, 1/

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 of the United Nations,

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

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

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 V of the report of the International Law Commission on the work of its thirty-eighth session, 2/ in particular paragraph 185 of the report containing the conclusions of its discussions,

Taking note of the report of the Secretary-General on the topic, 3/

Taking into account the views expressed during the debate on this item at the current session, 4/

Recognizing the importance and urgency of the subject,

1. Invites the International Law Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating an introduction as well as a list of the offences, taking into account the progress made at its thirty-eighth session, as well as the views expressed during the forty-first session of the General Assembly;

2. Requests the Secretary-General to seek the views of Member States regarding the conclusions contained in paragraph 185 of the report of the International Law Commission on the work of its thirty-eighth session, taking into account the conclusions contained in paragraph 69 (c) (i) of the Commission's report on the work of its thirty-fifth session; 5/

3. Further requests the Secretary-General to include the views received from Member States in accordance with paragraph 2 above in a report to be presented to the General Assembly at its forty-second session;

4. Decides to include in the provisional agenda of its forty-second session the item entitled "Draft Code of Offences against the Peace and Security of Mankind", to be considered in conjunction with the examination of the report of the International Law Commission.

2/ Ibid., Forty-first Session, Supplement No. 10 (A/41/10).

3/ A/41/537 and Add.1.

4/ See A/C.6/41/SR.27 to 44 and ...

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