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DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Report of the Secretary-General

Corrigendum

The attached reply should have appeared in document A/35/210/Add.2.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

/2 September 1980/

1. The Ukrainian Soviet Socialist Republic, true to the peace-loving principles of the Leninist foreign policy of the Soviet State, a policy designed to maintain peace and international security and develop friendship and co-operation among peoples, favours the urgent elaboration of a Code of Offences against the Peace and Security of Mankind. Only through the adoption of effective collective measures to combat any violations of the peace and security of mankind is it possible to put an end to such offences. Such measures are exemplified by the charter and judgement of the Nürnberg Tribunal, which were elaborated through the concerted efforts of the countries belonging to the anti-Hitler alliance in the desire to punish those principally responsible for the heinous crimes committed by fascism during the Second World War and to render a repetition of such crimes impossible. The principles embodied in those documents, especially the provision to the effect that offences against peace, military offences and crimes against humanity should be termed criminal offences of an international nature for which individual criminal responsibility is established, have become generally accepted principles of international law. They were further developed in many international legal instruments and became the basis of some of them. They are also reflected in the draft Code of Offences against the Peace and Security of Mankind prepared by the United Nations International Law Commission in 1954.
2. In the view of the Ukrainian SSR, that draft Code is an acceptable basis for further work to that end.
3. Over the relatively short period that has elapsed since that time, important, positive changes have occurred in international relations and in international law as a whole. Those changes have been reflected in the adoption of a whole series of new international legal instruments which must be taken into account in order to enable further work to be undertaken on an international legal document that would define the concept of an offence against the peace and security of mankind, reveal the specific nature of such offences and establish the principle of responsibility for them.
4. The draft Code should reflect the provisions of the conventions, international agreements, General Assembly resolutions and other documents aimed at preventing offences against the peace and security of mankind.
5. Thus, in drafting the Code, account should be taken of the provisions of the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (General Assembly resolution 3074 (XXVIII) of 3 December 1973).
6. The draft Code based on the purposes and principles of the Charter of the

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United Nations, should contain the provisions of the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

7. It would be very timely and necessary to include in the Code such an offence against the peace and security of mankind as apartheid, a definition of which is contained in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. It would be no less important to reflect in the Code, as one of the specific forms and manifestations of offences against the peace and security of mankind, the definition of aggression adopted by the General Assembly in 1974 in resolution 3314 (XXIX).

8. In drafting the Code, account should also be taken of the provisions of the 1977 Additional Protocols to the 1949 Geneva Conventions for the Protection of War Victims, the provisions on the violations of the obligations of States in the field of disarmament embodied in international legal instruments adopted during the 1960s and 1970s. They comprise the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, the 1968 Treaty on the Non-Proliferation of Nuclear Weapons, the 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

9. As to the procedure for the further elaboration of the draft Code, the Ukrainian SSR, taking into account the importance of this question, considers that the draft should be submitted to the Sixth Committee for its consideration at the thirty-fifth session of the General Assembly.
