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DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND

Report of the Sixth Committee

Rapporteur: Mr. Kenneth MCKENZIE (Trinidad and Tobago)

I. INTRODUCTION

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 forty-second session of the General Assembly pursuant to paragraph 4 of General Assembly resolution 41/75 of 3 December 1986.
2. At its 3rd plenary meeting, on 18 September 1987, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with the item, the Sixth Committee had before it the report of the International Law Commission on the work of its thirty-ninth session 1/ (paras. 10-67) and the report of the Secretary-General (A/42/484 and Add.1 and 2) submitted pursuant to paragraph 3 of resolution 41/75, containing the views submitted by Member States under paragraph 2 of the resolution.
4. The Sixth Committee considered the item at its 35th to 49th and 58th meetings, held between 29 October and 12 November and on 25 November 1987. The summary records of those meetings (A/C.6/42/SR.35-49 and 58) contain the views of representatives who spoke during the consideration of the item.

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 10 (A/42/10).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/42/L.13

5. At the 58th meeting, on 25 November 1987, the representative of Egypt introduced a draft resolution (A/C.6/42/L.13) sponsored by Algeria, Angola, Czechoslovakia, Egypt, Ethiopia, the German Democratic Republic, Guinea, Kenya, Mali, Mongolia, the Philippines, Poland, Qatar, Rwanda, Senegal, Tunisia, Uganda, Viet Nam and Zambia, later joined by Bulgaria, Cuba, Cyprus, Romania and the Sudan.

6. At the same meeting, on 25 November 1987, the Committee adopted draft resolution A/C.6/42/L.13 by a vote of 107 to 5, with 14 abstentions (see para. 8).

7. Statements in explanation of the vote were made by the representatives of Brazil, the United Kingdom of Great Britain and Northern Ireland, Israel, the United States of America, France, Japan, Norway (on behalf of the Nordic countries), Germany, Federal Republic of, the Ukrainian Soviet Socialist Republic and Suriname.

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

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

Draft Code of Crimes against the Peace and Security of Mankind

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, 2/

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 purpose and principles set forth in the Charter of the United Nations,

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

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 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 II of the report of the International Law Commission on the work of its thirty-ninth session, 3/

Taking note of the report of the Secretary-General on the subject, 4/

Taking into account the views expressed during the debate on this item at the current session, 5/

Recognizing the importance and urgency of the subject,

1. Agrees with the recommendation in paragraph 65 of the Commission's report to amend the title of this topic in English, in order to achieve greater uniformity and equivalence between different language versions;

2. Invites the International Law Commission to continue its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind including the elaboration of a list of crimes, taking into account the progress made at its thirty-ninth session, 6/ as well as the views expressed during the forty-second session of the General Assembly; 5/

3. Requests the Secretary-General to seek the views of Member States regarding the conclusions contained in paragraph 69 (c) (i) of the Commission's report on the work of its thirty-fifth session; 7/

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

3/ Ibid., Forty-second Session, Supplement No. 10 (A/42/10).

4/ A/42/484 and Add.1 and 2.

5/ See Official Records of the General Assembly, Forty-second Session, Sixth Committee, 35th to 48th meetings and corrigendum.

6/ Ibid., Forty-second Session, Supplement No. 10 (A/42/10).

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

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