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SIXTH COMMITTEE
Agenda item 130

DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

Algeria, Angola, Bulgaria, Burundi, Cameroon, Chad, Cuba, Cyprus, Czechoslovakia, Egypt, Ethiopia, German Democratic Republic, Kenya, Mali, Mongolia, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Tunisia and Viet Nam: draft resolution

Draft Code of Crimes against the Peace and Security of Mankind

The General Assembly,

Mindful of Article 13, paragraph I 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,

1/ 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 IV of the report of the International Law Commission on the work of its fortieth session, 2/

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

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

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 Crimes against the Peace and Security of Mankind including the elaboration of a list of crimes, taking into account the progress made at its fortieth session, 2/ as well as the views expressed during the forty-third session of the General Assembly;

2. Takes note of the approach currently envisaged by the International Law Commission in dealing with the judicial authority to be assigned for the implementation of the provisions of the draft Code of Crimes against the Peace and Security of Mankind, and encourages the Commission to explore further all possible alternatives on the question;

3. Requests the Secretary-General to continue seeking 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; 4/

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-fourth session;

5. Decides to include in the provisional agenda of its forty-fourth session the 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.

2/ Ibid., Forty-third Session, Supplement No. 10 (A/43/10).

3/ A/43/525 and Add.1.

4/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10 (A/38/10).