

41/75. Draft Code of Offences 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 1954,¹⁵

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 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,¹⁶ in particular paragraph 185 of the report, containing the conclusions of its discussions,

Taking note of the report of the Secretary-General on the subject,¹⁷

Taking into account the views expressed during the debate on this item at the current session,¹⁸

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,¹⁹

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 submitted 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.

95th plenary meeting
3 December 1986

41/76. Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations

The General Assembly,

Recalling its resolutions 31/9 of 8 November 1976, 32/150 of 19 December 1977, 33/96 of 16 December 1978, 34/13 of 9 November 1979, 35/50 of 4 December 1980, 36/31 of 13 November 1981, 37/105 of 16 December 1982, 38/133 of 19 December 1983, 39/81 of 13 December 1984 and 40/70 of 11 December 1985,

Having considered the report of the Special Committee on the work of the session it held in 1986,²⁰

Taking into account that the Special Committee has not completed its work,

Reaffirming the need for effectiveness in the universal application of the principle of non-use of force in international relations and for assistance by the United Nations in this endeavour,

1. *Takes note* of the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations;

2. *Decides* that the Special Committee shall complete a draft declaration on the enhancement of the effectiveness of the principle of non-use of force in international relations, including, as appropriate, recommendations on the peaceful settlement of disputes;

3. *Decides* that the Special Committee shall hold its session from 9 to 27 March 1987 and informal consultations at the appropriate time to enable the work to be completed;

4. *Requests* the Special Committee to be mindful of the importance of reaching general agreement whenever it has significance for the outcome of its work;

5. *Decides* that the Special Committee shall accept the participation of observers of Member States;

6. *Requests* the Secretary-General to provide the Special Committee with the necessary facilities and services;

7. *Invites* the Special Committee to submit its final report containing a draft declaration to the General Assembly at its forty-second session;

8. *Decides* to include in the provisional agenda of its forty-second session the item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".

95th plenary meeting
3 December 1986

¹⁵ *Ibid.*, Ninth Session, Supplement No. 9 (A/2693), para. 54.

¹⁶ *Ibid.*, Forty-first Session, Supplement No. 10 (A/41/10).

¹⁷ A/41/537 and Add.1 and 2.

¹⁸ See *Official Records of the General Assembly, Forty-first Session, Sixth Committee*, 27th to 34th, 36th to 44th, 49th and 50th meetings and corrigendum.

¹⁹ *Ibid.*, Thirty-eighth Session, Supplement No. 10 (A/38/10).

²⁰ *Ibid.*, Forty-first Session, Supplement No. 41 (A/41/41).