

tions 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 1954,²³

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 II of the report of the International Law Commission on the work of its thirty-seventh session,²⁴ in particular paragraph 43 of the report, containing the outline of the future Code proposed by the Special Rapporteur, and paragraphs 99, 100 and 101 of the report containing the conclusions of the Commission,

Taking note of the report of the Secretary-General on the subject,²⁵

Taking into account the views expressed during the debate on this item at the current session,²⁶

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-seventh session, as well as the views expressed during the fortieth session of the General Assembly;

2. *Requests* the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the outline of the future Code proposed by the Special Rapporteur and contained in paragraph 43 of the report of the International Law Commission,²⁴ and the conclusions contained in paragraphs 99, 100 and 101 of the said report;

3. *Further requests* the Secretary-General to include the views received from Member States and intergovernmental organizations in accordance with paragraph 2 above in a report to be submitted to the General Assembly at its forty-first session with a view to adopting, at the appropriate time, the necessary decision thereon;

4. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Draft Code of Offences against the Peace and Security of Mankind", to be con-

sidered in conjunction with the examination of the report of the International Law Commission.

*112th plenary meeting
11 December 1985*

40/70. 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 resolution 31/9 of 8 November 1976, in which it invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations²⁷ as well as other proposals made during the consideration of the item,

Recalling also its resolution 32/150 of 19 December 1977, by which it established the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations,

Recalling, in particular, its resolutions 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 and 39/81 of 13 December 1984, in which it decided that the Special Committee should continue its work,

Taking note of the statements made by the Chairmen of the Special Committee at its sessions in 1983,²⁸ 1984,²⁹ and 1985,³⁰ based on the informal working paper presented by the Chairman of the Special Committee at its session in 1982,³¹

Having considered the report of the Special Committee on the work of the session it held in 1985,³²

Taking into account that the Special Committee has not completed the mandate entrusted to it,

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,

Taking into account the suggestions of States made during the consideration of the report of the Special Committee on the preparation at the present stage of a declaration on the non-use of force in international relations,

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 continue its work with the goal of drafting a world treaty on the non-use of force in international relations and, at the earliest possible date, as an intermediate stage, a declaration on the non-use of force in international relations, as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate;

3. *Invites* the Special Committee, in drafting the declaration, to take into consideration the results of work done in the preparation of the working paper containing the main elements of the principle of non-use of force in international relations, as well as the suggestions submitted to it and the efforts undertaken at its previous sessions;

4. *Invites* Governments to communicate their comments or suggestions on the question considered by the Special Committee;

²³ *Ibid.*, Ninth Session, Supplement No. 9 (A/2693), para. 54.

²⁴ *Ibid.*, Fortieth Session, Supplement No. 10 (A/40/10).

²⁵ A/40/451 and Add.1-3.

²⁶ See *Official Records of the General Assembly, Fortieth Session, Sixth Committee, 23rd to 36th, 44th and 50th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum*

²⁷ *Ibid.*, Thirty-fourth Session, Supplement No. 41 (A/34/41 and Corr.1), annex.

²⁸ *Ibid.*, Thirty-eighth Session, Supplement No. 41 (A/38/41), para. 59.

²⁹ *Ibid.*, Thirty-ninth Session, Supplement No. 41 (A/39/41), para. 51.

³⁰ *Ibid.*, Fortieth Session, Supplement No. 41 (A/40/41), annex.

³¹ *Ibid.*, Thirty-seventh Session, Supplement No. 41 (A/37/41 and Corr.1), para. 372.

³² *Ibid.*, Fortieth Session, Supplement No. 41 (A/40/41).

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

6. *Decides* that the Special Committee shall accept the participation of observers of Member States, including participation in the meetings of its working group;

7. *Requests* the Special Committee to concentrate its work in the framework of its working group;

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

9. *Invites* the Special Committee to submit a report on its work to the General Assembly at its forty-first session, containing, *inter alia*, the concrete results achieved through the discussion of the elements referred to in paragraph 3 above;

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

112th plenary meeting
11 December 1985

40/71. Report of the United Nations Commission on International Trade Law

The General Assembly,

Having considered the report of the United Nations Commission on International Trade Law on the work of its eighteenth session,³³

Recalling that the object of the Commission is the promotion of the progressive harmonization and unification of international trade law,

Recalling, in this regard, its resolution 2205 (XXI) of 17 December 1966, as well as all its other resolutions relating to the work of the Commission,

Recalling also its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, 3281 (XXIX) of 12 December 1974 and 3362 (S-VII) of 16 September 1975,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic co-operation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Having regard for the need to take into account the different social and legal systems in harmonizing and unifying international trade law,

Stressing the value of participation by States at all levels of economic development, including developing countries, in the process of harmonizing and unifying international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its eighteenth session;

2. *Commends* the Commission for the progress made in its work and for having reached decisions by consensus;

3. *Calls upon* the Commission to continue to take account of the relevant provisions of the resolutions concerning the new international economic order, as adopted by the General Assembly at its sixth and seventh special sessions, and reaffirms the importance, in particular for

developing countries, of the work carried out by the Working Group on the New International Economic Order on a legal guide on the drawing up of international contracts for construction of industrial works;

4. *Notes with particular satisfaction* the completion and adoption by the Commission of the Model Law on International Commercial Arbitration;³⁴

5. *Welcomes* the work of the Commission on the legal implications of automated data processing on the flow of international trade as an activity of vital importance to States at all levels of economic development, including developing countries, and in this connection:

(a) *Commends* the Commission for its recommendation on the legal value of computer records³⁵ which, in conjunction with the preparatory report submitted to the Commission by the Secretary-General,³⁶ aids in clarifying the legal issues;

(b) *Calls upon* Governments and international organizations to take action, where appropriate, in conformity with the recommendation of the Commission³⁵ so as to ensure legal security in the context of the widest possible use of automated data processing in international trade;

6. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law, and, in this connection, recommends that the Commission, through its secretariat, should continue to maintain close co-operation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

7. *Reaffirms also* the importance, in particular for the developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor symposia and seminars, in particular those organized on a regional basis, to promote such training and assistance, and, in this connection:

(a) *Expresses* its appreciation to those Governments, regional organizations and institutions that have collaborated with the secretariat of the Commission in organizing regional seminars and symposia in the field of international trade law;

(b) *Welcomes* the initiatives being undertaken by the Commission and its secretariat to collaborate with other organizations and institutions in the organization of regional seminars;

(c) *Invites* Governments, international organizations and institutions to assist the secretariat of the Commission in financing and organizing regional seminars and symposia, in particular in developing countries;

(d) *Invites* Governments, relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to allow the resumption of the programme of the Commission for the award of fellowships on a regular basis to candidates from developing countries to enable them to participate in such symposia and seminars;

8. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law;

9. *Recommends* that the Commission should continue its work on the topics included in its programme of work;

³³ *Ibid.*, Supplement No. 17 (A/40/17).

³⁴ *Ibid.*, annex I.

³⁵ *Ibid.*, Supplement No. 17 (A/40/17), chap. VI, sect. B.

³⁶ A/CN.9/265.