

date an international convention against the recruitment, use, financing and training of mercenaries;

3. *Requests* the *Ad Hoc* Committee, in the fulfilment of its mandate, to consider the suggestions and proposals of Member States, bearing in mind the views and comments submitted to the Secretary-General<sup>20</sup> and those expressed at the thirty-sixth session of the General Assembly during the debate in the Sixth Committee devoted to the consideration of the report of the *Ad Hoc* Committee;<sup>21</sup>

4. *Requests* the Secretary-General to make available to the *Ad Hoc* Committee at its next session the texts of the conventions drafted by international and regional organizations on mercenaries, as well as any other relevant documentation;

5. *Requests* the Secretary-General to provide the *Ad Hoc* Committee with any assistance and facilities it may require for the performance of its work;

6. *Requests* the *Ad Hoc* Committee to submit its report to the General Assembly at its thirty-seventh session;

7. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Report of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries".

85th plenary meeting  
4 December 1981

#### 36/106. 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,<sup>22</sup>

*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,

*Bearing in mind* its resolution 33/97 of 16 December 1978, by which it decided to accord priority and the fullest consideration to the item entitled "Draft Code of Offences against the Peace and Security of Mankind",

*Having considered* the report of the Secretary-General<sup>23</sup> submitted pursuant to General Assembly resolution 35/49 of 4 December 1980,

*Considering* that the International Law Commission has just accomplished an important part of its work devoted to the succession of States in respect of State property, archives

and debts and that the programme of work is thus at present lightened,

*Taking into consideration* that the membership of the International Law Commission was increased during the thirty-sixth session of the General Assembly<sup>24</sup> and that it has at its disposal a new mandate of five years to organize its future work,

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

*Taking note* of paragraph 4 of General Assembly resolution 36/114 of 10 December 1981 on the report of the International Law Commission,

1. *Invites* the International Law Commission to resume its work with a view to elaborating the draft Code of Offences against the Peace and Security of Mankind and to examine it with the required priority in order to review it, taking duly into account the results achieved by the process of the progressive development of international law;

2. *Requests* the International Law Commission to consider at its thirty-fourth session the question of the draft Code of Offences against the Peace and Security of Mankind in the context of its five-year programme and to report to the General Assembly at its thirty-seventh session on the priority it deems advisable to accord to the draft Code, and the possibility of presenting a preliminary report to the Assembly at its thirty-eighth session bearing, *inter alia*, on the scope and the structure of the draft Code;

3. *Requests* the Secretary-General to reiterate his invitation to Member States and relevant international intergovernmental organizations to present or update their comments and observations on the draft Code of Offences against the Peace and Security of Mankind, and to submit a report to the General Assembly at its thirty-seventh session;

4. *Requests* the Secretary-General to submit to the International Law Commission all the necessary documentation, comments and observations presented by Member States and relevant international intergovernmental organizations on the item entitled "Draft Code of Offences against the Peace and Security of Mankind";

5. *Decides* to include in the provisional agenda of its thirty-seventh session the item entitled "Draft Code of Offences against the Peace and Security of Mankind" and to accord it priority and the fullest possible consideration.

92nd plenary meeting  
10 December 1981

#### 36/107. Progressive development of the principles and norms of international law relating to the new international economic order

*The General Assembly,*

*Bearing in mind* that, in accordance with the Charter of the United Nations, the General Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

*Recalling* its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, and 3362 (S-VII) of 16 September 1975 on development and international economic co-operation,

*Recalling* its resolutions 34/150 of 17 December 1979 and 35/166 of 15 December 1980, entitled "Consolidation

<sup>20</sup> See A/35/366 and Add.1-3 and A/36/438.

<sup>21</sup> *Official Records of the General Assembly, Thirty-sixth Session, Sixth Committee, 16th-23rd and 57th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum.*

<sup>22</sup> *Ibid., Ninth Session, Supplement No. 9 (A/2693), para. 54.*

<sup>23</sup> A/36/416.

<sup>24</sup> See sect. II, resolution 36/39.