

### 38/132. 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>23</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,

*Recalling* 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,

*Taking into account* the views expressed during the debate on this item at the current session,<sup>24</sup>

*Taking note* of the report of the Special Rapporteur,<sup>25</sup>

*Taking into account* the importance and the 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, as a first step, an introduction in conformity with paragraph 67 of its report on the work of its thirty-fifth session,<sup>26</sup> as well as a list of the offences in conformity with paragraph 69 of that report;

2. *Requests* the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the questions raised in paragraph 69 of the report of the International Law Commission<sup>26</sup> and to include them in a report to be submitted to the General Assembly at its thirty-ninth session with a view to adopting, at the appropriate time, the necessary decision thereon;

3. *Decides* to include in the provisional agenda of its thirty-ninth session the item entitled "Draft Code of Offences against the Peace and Security of Mankind", to be considered in conjunction with the consideration of the report of the International Law Commission.

*101st plenary meeting  
19 December 1983*

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

<sup>24</sup> *Ibid.*, Thirty-eighth Session, Sixth Committee, 43rd, 49th-54th and 70th meetings; and *ibid.*, Sixth Committee, Sessional Fascicle, corrigendum.

<sup>25</sup> A/CN.4/364.

<sup>26</sup> Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 10 (A/38/10).

### 38/133. 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 Relations<sup>27</sup> as well as other proposals made during the consideration of this 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 and 37/105 of 16 December 1982, in which it decided that the Special Committee should continue its work,

*Taking note* of the statement made by the Chairman of the Special Committee at its session in 1983,<sup>28</sup> based on the informal working paper presented by the Chairman of the Special Committee at its session in 1982,<sup>29</sup>

*Having considered* the report of the Special Committee,<sup>30</sup>

*Taking note* of the prospects of progress in the work of the Special Committee registered during its session in 1983,

*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,

*Expressing the hope* that the Special Committee will, on the basis of the proposals before it, complete the mandate entrusted to it as soon as possible,

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, at the earliest possible date, a world treaty 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. *Requests* the Special Committee, in order to ensure further progress in its work, to continue at its session in 1984 the elaboration of the formulas of the working paper containing the main elements of the principle of non-use of force in international relations, taking duly into account the proposals submitted to it and the efforts undertaken at its session in 1983;

4. *Invites* Governments to communicate their comments or suggestions or to bring them up to date, in accordance with General Assembly resolution 31/9;

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;

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

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

<sup>29</sup> *Ibid.*, Thirty-seventh Session, Supplement No. 41 (A/37/41 and Corr.1), para. 372.

<sup>30</sup> *Ibid.*, Thirty-eighth Session, Supplement No. 41 (A/38/41).