

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 1954,²³

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 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,²⁴

Taking note of the report of the Special Rapporteur,²⁵

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,²⁶ 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 Commission²⁶ 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.

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19 December 1983*

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

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

²⁵ A/CN.4/364.

²⁶ *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 Relations²⁷ 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 1983,²⁸ based on the informal working paper presented by the Chairman of the Special Committee at its session in 1982,²⁹

Having considered the report of the Special Committee,³⁰

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;

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

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

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 thirty-ninth session;

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

*101st plenary meeting
19 December 1983*

38/134. 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 sixteenth session,³¹

Recalling that the object of the United Nations Commission on International Trade Law is the promotion of the progressive harmonization and unification of international trade law,

Recalling in this regard, its resolutions 2205 (XXI) of 17 December 1966, 3108 (XXVIII) of 12 December 1973, 34/142 of 17 December 1979, 36/32 of 13 November 1981, 36/111 of 10 December 1981 and 37/106 of 16 December 1982, as well as its previous resolutions concerning the reports of the United Nations Commission on International Trade Law on the work of its annual sessions,

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 interests 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 the rules of international trade law,

Stressing the usefulness and importance of sponsoring symposia and seminars, including those organized on a regional basis, for promoting a better knowledge and understanding of international trade law and, especially, for the training of lawyers from developing countries in this field,

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

2. *Commends* the United Nations Commission on International Trade Law for the progress made in its work and for having reached decisions by consensus;

3. *Calls upon* the United Nations Commission on International Trade Law, in particular its Working Group on the New International Economic Order, 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;

4. *Takes note with appreciation* of the commencement by the United Nations Commission on International Trade Law, through its Working Group on the New International Economic Order, of work on drafting a legal guide on drawing up contracts for the supply and construction of industrial works, identifying the legal issues involved in such contracts and suggesting possible solutions to assist parties, in particular from developing countries, in their negotiations;³²

5. *Notes* that the United Nations Commission on International Trade Law has adopted Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance;³³

6. *Notes with appreciation* the progress made by the Working Group on International Contract Practices of the United Nations Commission on International Trade Law in the preparation of a draft model law on international commercial arbitration for adoption by the Commission;³⁴

7. *Reaffirms* the mandate of the United Nations Commission on International Trade Law, 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:

(a) Recommends that the Commission should continue to maintain close co-operation with the other international organs and organizations active in the field of international trade law, in particular the United Nations Conference on Trade and Development, the International Law Commission, the United Nations Industrial Development Organization, the Commission on Transnational Corporations, the International Institute for the Unification of Private Law and the Hague Conference on Private International Law;

(b) Welcomes the close co-operation with the Commission of regional organizations active in the field of international trade law;

(c) Reaffirms the importance of the participation of observers from all States and interested international organizations at sessions of the Commission and its Working Groups;

8. *Reaffirms* the importance of bringing into effect the conventions emanating from the work of the United Nations Commission on International Trade Law for the global unification and harmonization of international trade law;

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

(a) Notes with appreciation the collaboration of regional organizations with the secretariat of the Commis-

³¹ *Ibid.*, Supplement No. 17 (A/38/17).

³² *Ibid.*, chap. V.

³³ *Ibid.*, chap. II and annex I; see also resolution 38/135 below.

³⁴ *Ibid.*, chap. IV.