

10. *Once again requests* the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 49/50;

11. *Invites* the International Committee of the Red Cross to continue to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, so that the information received may be included in the report to be prepared pursuant to paragraph 6 above;

12. *Decides* to include in the provisional agenda of its fifty-first session the item entitled "United Nations Decade of International Law".

*87th plenary meeting
11 December 1995*

50/45. Report of the International Law Commission on the work of its forty-seventh session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-seventh session,⁸

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,⁹

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. *Takes note with appreciation* of the report of the International Law Commission on the work of its forty-seventh session and of the Commission's efforts to advance the work currently under consideration;

2. *Notes* the intentions of the International Law Commission for the programme of work for the last year of office of its members;

3. *Urges* the Commission at its forty-eighth session:

(a) To resume the work on the draft Code of Crimes against the Peace and Security of Mankind in such a manner that the second reading of the draft Code may be completed at that session;

(b) To resume the work on the draft articles on State responsibility in such a manner that the first reading of that draft may be completed at that session, taking into account the divergent views expressed during the Sixth Committee's debate on the topic, so that alternative approaches may be developed when necessary;

(c) To resume the work on the topic "International liability for injurious consequences arising out of acts not prohibited by international law" in order to complete the first reading of the draft articles relating to activities that risk causing transboundary harm;

4. *Notes* the beginning of the work on the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons", and invites the Commission to continue its work on these topics along the lines indicated in the report;

5. *Invites* States and international organizations, particularly those which are depositaries, to answer promptly the questionnaire prepared by the Special Rapporteur on the topic concerning reservations to treaties;

6. *Requests* the Secretary-General to again invite Governments to submit as soon as possible relevant materials, including treaties, national legislation, decisions of national tribunals and diplomatic and official correspondence relevant to the topic "State succession and its impact on the nationality of natural and legal persons";

7. *Expresses its appreciation* to the Secretary-General for the update of the survey of State practice relevant to international liability for injurious consequences arising out of acts not prohibited by international law, prepared by the Secretariat in 1984;¹⁰

8. *Notes* the suggestions of the International Law Commission to include in its agenda the topic "Diplomatic protection" and initiate a feasibility study on a topic concerning the law of the environment, and decides to invite Governments to submit comments on these suggestions through the Secretary-General for consideration by the Sixth Committee during the fifty-first session of the General Assembly;

9. *Requests* the International Law Commission:

(a) To examine the procedures of its work for the purpose of further enhancing its contribution to the progressive development and codification of international law and to include its views in its report to the General Assembly at its fifty-first session;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

⁸Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10).

⁹Resolution 2625 (XXV), annex.

¹⁰Yearbook of the International Law Commission, 1985, vol. II, part I (addendum) (United Nations publication, Sales No. E.86.V.9 (Part I/Add.1)).

10. *Requests* the Secretary-General to invite Governments to comment on the present state of the codification process within the United Nations system and to report thereon to the General Assembly at its fifty-first session;

11. *Takes note* of the comments of the International Law Commission on the question of the duration of its session, as presented in its report,¹¹ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

12. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars, from within existing resources, with adequate services, including interpretation, as required;

14. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fiftieth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

15. *Recommends* that the debate on the report of the International Law Commission at the fifty-first session of the General Assembly commence on 4 November 1996.

87th plenary meeting
11 December 1995

50/46. Establishment of an international criminal court

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court,¹² with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,¹³

Recalling further that the International Law Commission adopted a draft statute for an international criminal court¹² at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened

to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Recalling its resolution 49/53 of 9 December 1994, in which it decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries,

Noting that the Ad Hoc Committee on the Establishment of an International Criminal Court has made considerable progress during its sessions on the review of the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission,

Noting also that the States participating in the Ad Hoc Committee still have different views on major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and that, therefore, further discussions are needed for reaching consensus on the above issues in the future,

Noting further that the Ad Hoc Committee is of the opinion that issues can be addressed most effectively by combining further discussions with the drafting of texts, with a view to preparing a consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries,

Noting that the Ad Hoc Committee recommends that the General Assembly take up the organization of future work with a view to its early completion, given the interest of the international community in the establishment of an international criminal court,

Noting also that the Ad Hoc Committee encourages participation by the largest number of States in its future work in order to promote universality,

Expressing deep appreciation for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court,

1. *Takes note* of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court,¹⁴ including the recommendations contained therein, and expresses its appreciation to the Ad Hoc Committee for the useful work done;

2. *Decides* to establish a preparatory committee open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decides that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53¹⁵ and, as appropriate, contributions of relevant organizations;

¹¹Official Records of the General Assembly, Fiftieth Session, Supplement No. 10 (A/50/10), para. 513.

¹²Ibid., Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

¹³Ibid., para. 90.

¹⁴Ibid., Fiftieth Session, Supplement No. 22 (A/50/22).

¹⁵A/AC.244/1 and Add.1-4.