

States exclusively by peaceful means and to avoid any military action and hostilities against other States, which can only make more difficult the solution of existing problems,

Considering that the question of the peaceful settlement of disputes should represent one of the central concerns for States and for the United Nations, and that efforts for strengthening the process of peaceful settlement of disputes should be continued,

Taking note of the working papers on the establishment of a commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States,¹¹ submitted to the General Assembly by Nigeria, the Philippines and Romania,

Taking into account the elaboration by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization of the outline for a handbook on the peaceful settlement of disputes between States and the conclusions thereon,¹²

1. *Again urges* all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes;

2. *Stresses* the need to continue efforts to strengthen the process of the peaceful settlement of disputes through the progressive development and codification of international law and through enhancing the effectiveness of the United Nations in this field;

3. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, during its session in 1985, to continue its work on the question of the peaceful settlement of disputes between States and, in this context:

(a) To continue the consideration of the proposal contained in the above-mentioned working papers;

(b) To examine the report of the Secretary-General on the progress of work on the draft handbook on the peaceful settlement of disputes between States;

4. *Requests* the Secretary-General to prepare, on the basis of the outline elaborated by the Special Committee and in the light of the views expressed in the course of the discussions in the Sixth Committee and in the Special Committee, a draft handbook on the peaceful settlement of disputes between States, and to report to the Special Committee at its session in 1985 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage;

5. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Peaceful settlement of disputes between States".

99th plenary meeting
13 December 1984

39/80. 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 1954,¹³

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 the early elaboration of draft articles,

Having considered chapter II of the report of the International Law Commission on the work of its thirty-sixth session,¹⁴ in particular paragraph 65 of the report, containing the Commission's conclusions,

Taking note of the report of the Secretary-General,¹⁵

Taking into account the views expressed during the debate on this item at the current session,¹⁶

Recognizing the importance and the urgency of the subject,

1. *Requests* 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-sixth session, as well as the views expressed during the thirty-ninth session of the General Assembly;

2. *Requests* the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the conclusions contained in paragraph 65 of the report of the International Law Commission¹⁴ and to include them in a report to be submitted to the General Assembly at its fortieth session with a view to adopting, at the appropriate time, the necessary decision thereon;

3. *Decides* to include in the provisional agenda of its fortieth 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.

99th plenary meeting
13 December 1984

39/81. Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations¹⁷

The General Assembly,

Recalling its resolution 31/9 of 8 November 1976, in which it invited Member States to examine further the

¹¹ A/38/343, annex; A/C.6/39/L.2.

¹² See *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 33 (A/39/33)*, chap. III, sect. B.

¹³ *Ibid.*, Ninth Session, Supplement No. 9 (A/2693), para. 54.

¹⁴ *Ibid.*, Thirty-ninth Session, Supplement No. 10 (A/39/10).

¹⁵ A/39/439 and Add.1-5.

¹⁶ See *Official Records of the General Assembly, Thirty-ninth Session, Sixth Committee, 47th-49th and 63rd meetings*.

¹⁷ See also sect. X A, decision 39/326.

draft World Treaty on the Non-Use of Force in International Relations,¹⁸ 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, 37/105 of 16 December 1982 and 38/133 of 19 December 1983, 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 1983¹⁹ and 1984,²⁰ based on the informal working paper presented by the Chairman of the Special Committee at its session in 1982,²¹

Having considered the report of the Special Committee on the work of the session it held in 1984,²²

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 progress in its work, to speed up at its session in 1985 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 sessions in 1982, 1983 and 1984;

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;

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 fortieth session;

10. *Decides* to include in the provisional agenda of its fortieth session the item entitled "Report of the Special

Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations".

99th plenary meeting
13 December 1984

39/82. 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 seventeenth session,²³

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 the rules of 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 rules of 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 seventeenth session;

2. *Commends* the Commission for the progress made in its work, in particular towards the preparation of a draft convention on international bills of exchange and international promissory notes, a model law on international commercial arbitration, a legal guide on drawing up international contracts for the construction of industrial works and a legal guide on electronic funds transfers, and for having reached decisions by consensus;

3. *Calls upon* the Commission, 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. *Notes* that the Commission has assigned to its Working Group on International Contract Practices the task of preparing uniform legal rules on the liability of operators of transport terminals, and that the Commission has placed in its programme of work as a priority item the topic of legal implications of automatic data processing to the flow of international trade;

¹⁸ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 41 (A/34/41 and Corr.1), annex.

¹⁹ Ibid., Thirty-eighth Session, Supplement No. 41 (A/38/41), para. 59.

²⁰ Ibid., Thirty-ninth Session, Supplement No. 41 (A/39/41), para. 51.

²¹ Ibid., Thirty-seventh Session, Supplement No. 41 (A/37/41 and Corr.1), para. 372.

²² Ibid., Thirty-ninth Session, Supplement No. 41 (A/39/41).

²³ Ibid., Supplement No. 17 (A/39/17).