

ticularly in view of the economic difficulties encountered by the developing countries,

*Considering* the close link between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework,

*Recognizing* the need for a systematic and progressive development of the principles and norms of international law relating to the new international economic order,

*Aware*, however, that the period of time available for consideration of the analytical study submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research,<sup>17</sup> has been relatively short and that so far only a limited number of Member States have been able to submit their views and comments thereon<sup>18</sup> pursuant to paragraph 2 of resolution 39/75,

*Convinced* that a sufficient number of views and comments from Member States would be necessary for a proper consideration of the manner by which further work on the subject may be carried out,

1. *Urges* Member States that have not done so to submit, not later than 30 June 1986, their views and comments with respect to the study, including proposals concerning further action and procedures to be adopted within the framework of the Sixth Committee with regard to the consideration of the analytical study;

2. *Recommends* that the consideration of the most appropriate procedure for completing the elaboration of the process of progressive development of the relevant principles and norms of international law, and of the forum which would be entrusted with the task, be undertaken by the General Assembly at its forty-first session, with a view to making a final decision after taking into account all the proposals and suggestions made by Member States on the matter;

3. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order".

*112th plenary meeting  
11 December 1985*

#### **40/68. Peaceful settlement of disputes between States**

*The General Assembly,*

*Having examined* the item entitled "Peaceful settlement of disputes between States",

*Recalling* its resolution 37/10 of 15 November 1982, by which it approved the Manila Declaration on the Peaceful Settlement of International Disputes, annexed thereto,

*Recalling also* its resolutions 38/131 of 19 December 1983 and 39/79 of 13 December 1984,

*Deeply concerned* at the continuation of conflict situations and the emergence of new sources of disputes and tension in international life, and especially at the growing tendency to resort to force or the threat of force and to intervention in internal affairs, and at the escalation of the arms race, which gravely endanger the independence and security of States as well as international peace and security,

*Taking into account* the need to exert the utmost effort in order to settle any situations and disputes between

States exclusively by peaceful means and to avoid any military actions 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, submitted by Nigeria, the Philippines and Romania,<sup>19</sup>

*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 the handbook on the peaceful settlement of disputes between States and the conclusions thereon,<sup>20</sup>

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 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 1986, 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 working papers submitted by Nigeria, the Philippines and Romania;

(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 continue the preparation of a draft handbook on the peaceful settlement of disputes between States, 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<sup>21</sup> and in the Special Committee,<sup>22</sup> and to report to the Special Committee at its session in 1986 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 forty-first session the item entitled "Peaceful settlement of disputes between States"

*112th plenary meeting  
11 December 1985*

#### **40/69. 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 recommenda-

<sup>17</sup> A/39/504/Add.1, annex III.

<sup>18</sup> See A/40/446 and Add.1 and Add.1/Corr.1.

<sup>19</sup> A/38/343, annex; A/C.6/39/L.2.

<sup>20</sup> See *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 33 (A/39/33)*, sect. III.B.

<sup>21</sup> *Ibid.*, *Fortieth Session, Sixth Committee*, 37th to 43rd, 48th and 50th meetings.

<sup>22</sup> *Ibid.*, *Fortieth Session, Supplement No. 33 (A/40/33 and Corr.1)*, sect. II.

tions 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 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 early elaboration of draft articles thereof,

*Having considered* chapter II of the report of the International Law Commission on the work of its thirty-seventh session,<sup>24</sup> in particular paragraph 43 of the report, containing the outline of the future Code proposed by the Special Rapporteur, and paragraphs 99, 100 and 101 of the report containing the conclusions of the Commission,

*Taking note* of the report of the Secretary-General on the subject,<sup>25</sup>

*Taking into account* the views expressed during the debate on this item at the current session,<sup>26</sup>

*Recognizing* the importance and 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 an introduction as well as a list of the offences, taking into account the progress made at its thirty-seventh session, as well as the views expressed during the fortieth session of the General Assembly;

2. *Requests* the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the outline of the future Code proposed by the Special Rapporteur and contained in paragraph 43 of the report of the International Law Commission,<sup>24</sup> and the conclusions contained in paragraphs 99, 100 and 101 of the said report;

3. *Further requests* the Secretary-General to include the views received from Member States and intergovernmental organizations in accordance with paragraph 2 above in a report to be submitted to the General Assembly at its forty-first session with a view to adopting, at the appropriate time, the necessary decision thereon;

4. *Decides* to include in the provisional agenda of its forty-first session the item entitled "Draft Code of Offences against the Peace and Security of Mankind", to be con-

sidered in conjunction with the examination of the report of the International Law Commission.

*112th plenary meeting  
11 December 1985*

#### 40/70. 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 the 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, 38/133 of 19 December 1983 and 39/81 of 13 December 1984, 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 1983,<sup>28</sup> 1984,<sup>29</sup> and 1985,<sup>30</sup> based on the informal working paper presented by the Chairman of the Special Committee at its session in 1982,<sup>31</sup>

*Having considered* the report of the Special Committee on the work of the session it held in 1985,<sup>32</sup>

*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,

*Taking into account* the suggestions of States made during the consideration of the report of the Special Committee on the preparation at the present stage of a declaration on the non-use of force in international relations,

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 a world treaty on the non-use of force in international relations and, at the earliest possible date, as an intermediate stage, a declaration 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. *Invites* the Special Committee, in drafting the declaration, to take into consideration the results of work done in the preparation of the working paper containing the main elements of the principle of non-use of force in international relations, as well as the suggestions submitted to it and the efforts undertaken at its previous sessions;

4. *Invites* Governments to communicate their comments or suggestions on the question considered by the Special Committee;

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

<sup>24</sup> *Ibid.*, Fortieth Session, Supplement No. 10 (A/40/10).

<sup>25</sup> A/40/451 and Add.1-3.

<sup>26</sup> See *Official Records of the General Assembly, Fortieth Session, Sixth Committee, 23rd to 36th, 44th and 50th meetings; and ibid., Sixth Committee, Sessional Fascicle, corrigendum*

<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-ninth Session, Supplement No. 41 (A/39/41), para. 51.

<sup>30</sup> *Ibid.*, Fortieth Session, Supplement No. 41 (A/40/41), annex.

<sup>31</sup> *Ibid.*, Thirty-seventh Session, Supplement No. 41 (A/37/41 and Corr.1), para. 372.

<sup>32</sup> *Ibid.*, Fortieth Session, Supplement No. 41 (A/40/41).