

Document:-  
**A/CN.4/72**

**Draft Code of Offences Against the Peace and Security of Mankind – Note by the Secretariat.**

Topic:  
**Draft code of offences against the peace and security of mankind (Part I)**

*Downloaded from the web site of the International Law Commission  
(<http://www.un.org/law/ilc/index.htm>)*



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL  
A/CN.4/72  
13 May 1953  
ORIGINAL: ENGLISH

INTERNATIONAL LAW COMMISSION  
Fifth session

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY  
OF MANKIND

Note by the Secretariat

1. The International Law Commission, at its third session held in 1951, completed a Draft Code of Offences against the Peace and Security of Mankind and submitted it to the General Assembly in its report on the session (A/1858, Chapter IV).
2. The question of the Draft Code was included in the provisional agenda of the sixth session (1951) of the General Assembly (A/1870). In the course of the discussion of the provisional agenda in the General Committee of the General Assembly, the Representative of Yugoslavia proposed that the question of the Draft Code should be omitted from the agenda on the ground that "the Draft Code had only recently been communicated to governments and, in accordance with article 16 of the Statute of the International Law Commission, a one year period of study should be allowed." The Representative added that, if the subject was dropped from the agenda, "the Secretary-General could be authorized to include the item in the provisional agenda of the seventh session." The Representative of the United Kingdom supported the proposal. The General Committee decided by 12 votes to none, with 2 abstentions, to recommend the exclusion of the question of the Draft Code from the agenda of the sixth session and its inclusion in the provisional agenda of the seventh session (Official Records of the General Assembly, Sixth Session, General Committee, 75th Meeting, paragraphs 23 and 24, and Report of the General Committee, A/1950, paragraph 4).

3. The General Assembly, on 13 November 1951, adopted the recommendation of the General Committee regarding the postponement of the question of the Draft Code (Official Records of the General Assembly, Sixth Session, 342nd Plenary Meeting, paragraph 42).

4. In view of this decision, the Secretary-General, on 17 December 1951, addressed a circular letter to the Governments of the Member States in which he drew their attention to the Draft Code and invited them to communicate to him their comments or observations for submission to the General Assembly.

Comments were received from fourteen governments and have been reproduced in documents A/2162 and A/2162/Add.1. The Secretary-General also included the question of the Draft Code in the provisional agenda of the seventh session (1952) of the General Assembly (A/2158).

5. When the provisional agenda of the seventh session was taken up for discussion in the General Committee, the Representative of the United Kingdom stated that in the opinion of his delegation the Draft Code was not ripe for consideration by the General Assembly; that the comments received from governments should be transmitted to the International Law Commission; and that only after having considered the comments could the Commission present to the General Assembly its final recommendations in the matter. He thought that it would therefore be preferable not to include the item in the agenda of the seventh session. The General Committee accordingly decided to recommend the deletion of the item from the agenda (Official Records of the General Assembly, Seventh Session, General Committee, 79th Meeting, paragraph 13, and Report of the General Committee, A/2225/Rev.1, paragraph 5).

6. The General Assembly on 16 and 17 October 1952 adopted the agenda as proposed by the General Committee, and the question of the Draft Code was consequently omitted. On the latter date, the President of the General Assembly made the following statement with reference to the report of the General Committee:

".... Paragraph 5 explains that the General Committee decided to recommend to the General Assembly the deletion of item 58 of the provisional agenda, 'Draft Code of offences against the peace and security of mankind'. This was done on the understanding that the matter would continue to be discussed by the International Law Commission." (Official Records of the General Assembly, Seventh Session, 382nd Plenary Meeting, paragraph 5)