

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1953 No. 26

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945
(Resolutie internationaal gewoonterecht, Resolutie internationale
strafrechtspraak en Resolutie definitie van agressie)*

B. TEKST

De Engelse tekst van het Handvest is bekendgemaakt bij Koninklijk besluit van 21 December 1945 (*Stb.* No. F 321).

C. VERTALING

D. GOEDKEURING

E. BEKRACHTIGING

F. TOETREDING

G. INWERKINGTREDING

Zie *Trbl.* 1951 No. 44.

J. GEGEVENS

Zie laatstelijk *Trbl.* 1953 No. 25.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 400ste bijeenkomst op 5 December 1952 met 44 stemmen vóór (waaronder Nederland), geen tegen en 5 onthoudingen een

resolutie aangenomen betreffende de middelen om de **bronnen van het internationale gewoonterecht** meer toegankelijk te maken. Zie *Trbl.* 1952 No. 65 voor de resolutie van de Algemene Vergadering d.d. 1 Februari 1952 over dit onderwerp, naar welke resolutie in de onderhavige resolutie wordt verwezen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Considering the report of the Secretary-General on the ways and means for making the evidence of customary international law more readily available (A/2170) submitted in pursuance of General Assembly resolution 602 (VI) of 1 February 1952,

Having regard to the detailed plans in the report as to the form, contents and budgetary implications of certain publications referred to in the aforesaid resolution and to the conclusions of the Secretary-General stated in the report,

1. *Authorizes* the Secretary-General to undertake, as soon as feasible, the publication of:

- (a) A list of treaty collections, to be compiled taking into account the suggestions made during the debate in the Sixth Committee;
- (b) A *répertoire* of the practice of the Security Council;

2. *Requests* the Secretary-General to prepare and circulate to the governments of Member States a comparative study of the extent to which developments in the field of customary international law and selected legal activities of the United Nations can usefully be covered by an expansion of existing United Nations publications, by the launching of new special publications of limited scope and by a United Nations juridical yearbook; such study shall cover form, contents and budgetary implications.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 400ste bijeenkomst op 5 December 1952 met 33 stemmen vóór (waaronder Nederland), 9 tegen en 8 onthoudingen een resolutie inzake **internationale strafrechtspraak** aangenomen, waarvan de Engelse tekst luidt als volgt:

The General Assembly,

Bearing in mind that, by resolution 489 (V) of 12 December 1950, the General Assembly established a Committee on International Criminal Jurisdiction, consisting of representatives of seventeen Member States, charged with the task of preparing one or more preliminary draft conventions and proposals relating to the establishment of an international criminal court,

Recalling that, by the same resolution, the General Assembly requested the Secretary-General to communicate the report of the Committee to the governments of Member States so that their observations could be submitted not later than 1 June 1952, and to place the question on the agenda of the seventh session of the General Assembly,

Noting that the Committee, meeting in August 1951, has prepared a report containing a draft statute for an international criminal court and that the Secretary-General, by a letter of 13 November 1951, has transmitted the Committee's report to the governments of Member States requesting their observations thereon,

Considering, however, that the number of States which have given their comments and suggestions is very small,

Considering that there is need for further study of problems relating to an international criminal jurisdiction,

1. *Expresses* to the Committee on International Criminal Jurisdiction its appreciation for its valuable work on the draft statute;

2. *Urges* the Member States which have not yet done so to make their comments and suggestions on the draft statute, in particular if they are of the opinion that further action should be taken by the General Assembly with a view to the establishing of an international criminal court;

3. *Decides* to appoint a Committee composed of one representative each of seventeen Member States, which States shall be designated by the President of the General Assembly in consultation with the Chairman of the Sixth Committee, and directs that this Committee shall meet at the Headquarters of the United Nations in 1953, the exact date to be determined by the Secretary-General, with the following terms of reference:

(a) In the light of the comments and suggestions on the draft statute submitted by governments, as well as of those made during the debates in the Sixth Committee,

(i) To explore the implications and consequences of establishing an international criminal court and of the various methods by which this might be done;

(ii) To study the relationship between such a court and the United Nations and its organs;

(iii) To re-examine the draft statute;

(b) To submit a report to be considered by the General Assembly at its ninth session;

4. *Requests* the Secretary-General to provide all the necessary services and facilities for the meetings of the Committee.

De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 408ste bijeenkomst op 20 December 1952 met 37 stemmen vóór (waaronder Nederland), 2 tegen en 13 onthoudingen een resolutie betreffende de **definitie van agressie** aangenomen. Zie *Trbl.* 1952 No. 60 voor de resolutie van de Algemene Vergadering d.d. 31 Januari 1952 over dit onderwerp, naar welke resolutie in de onderhavige resolutie wordt verwezen. De Engelse tekst van de onderhavige resolutie luidt als volgt:

The General Assembly,

Having regard to its resolution 599 (VI) of 31 January 1952,

Considering that the discussion of the question of defining aggression at the sixth and seventh sessions of the General Assembly and in the International Law Commission has revealed the complexity of this question and the need for a detailed study of:

- (a) The various forms of aggression,
- (b) The connexion between a definition of aggression and the maintenance of international peace and security,
- (c) The problems raised by the inclusion of a definition of aggression in the Code of Offences against the Peace and Security of Mankind and by its application within the framework of international criminal jurisdiction,
- (d) The effect of a definition of aggression on the exercise of the jurisdiction of the various organs of the United Nations,
- (e) Any other problem which might be raised by a definition of aggression,

Considering that continued and joint efforts shall be made to formulate a generally acceptable definition of aggression, with a view to promoting international peace and security and to developing international law,

1. *Decides* to establish a Special Committee of fifteen members, each representing one of the following Member States: Bolivia, Brazil, China, Dominican Republic, France, Iran, Mexico, Netherlands, Norway, Pakistan, Poland, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, to meet at the Headquarters of the United Nations in 1953;

2. *Requests* the said Special Committee:

- (a) To submit to the General Assembly at its ninth session draft definitions of aggression or draft statements of the notion of aggression;

(b) To study all the problems referred to above on the assumption of a definition being adopted by a resolution of the General Assembly;

3. *Requests* the Secretary-General to communicate the Special Committee's report to Member States for their comments and to place the question on the provisional agenda of the ninth session of the General Assembly.

Uitgegeven de zestiende Maart 1953.

De Minister van Buitenlandse Zaken,
J. W. BEYEN.