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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. AFONSO (Mozambique)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 128: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-THIRD SESSION (continued) (A/C.6/46/L.15 and 16)

1. Mr. TETU (Canada), introducing draft resolution A/C.6/46/L.16 on behalf of its sponsors, said that Bolivia, Ecuador, Spain and Venezuela had also become sponsors. He reviewed the text of the draft and expressed the hope that it would be adopted without a vote.

2. Ms. KOFLER (Austria), introducing draft resolution A/C.6/46/L.15 on behalf of its sponsors, said that Spain had also joined the list of sponsors. The draft reflected the debate held on the topic in the Committee as well as the views put forward in informal consultations. She hoped that it would be adopted without a vote.

AGENDA ITEM 130: CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO (continued) (A/C.6/46/L.14)

3. The CHAIRMAN, introducing draft resolution A/C.6/46/L.14, said that the text before the Committee was the result of thorough informal consultations. Under the draft, the General Assembly would decide that informal consultations on the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and the draft optional protocols thereto should be resumed at its forty-seventh session.

4. Draft resolution A/C.6/46/L.14 was adopted without a vote.

AGENDA ITEM 127: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/C.6/46/L.12)

5. Mr. FARRUKH (Pakistan), introducing draft resolution A/C.6/46/L.12 on behalf of its sponsors, said that Algeria, Bahrain, Belgium, Cameroon, Chile, Colombia, Estonia, Mauritania, Mexico, Morocco, the Philippines, Senegal, Ukraine, the United Republic of Tanzania, Uruguay and Venezuela had also become sponsors.

6. The draft resolution was the result of consultations which he had conducted as Chairman of the Working Group on the United Nations Decade of International Law. During those consultations, there had been strong support for the view that the draft should be essentially procedural in nature and be limited to questions relating to the implementation of the Programme for the activities to be commenced during the first term (1990-1992) of the Decade. It had also been generally felt that States, international organizations and institutions should be encouraged to submit new ideas for the second term of the Decade for inclusion in the report of the Secretary-General to the General Assembly at its forty-seventh session. He hoped that it would be possible to adopt the draft resolution without a vote.

7. Mr. CHATURVEDI (India) said that his country's commitment to peace and cooperation around the world and to the United Nations Charter explained its active role in the process that had led to the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Manila Declaration on the Peaceful Settlement of International Disputes and, more recently, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. India, along with five other countries, had sponsored the New Delhi Declaration, adopted at the Seventh Conference of Heads of State or Government of the Movement of Non-Aligned Countries, which called for peace and total disarmament, particularly nuclear disarmament, and the elimination of weapons of mass destruction.

8. International relations needed to be conducted on the basis of the rule of law; hence, international law needed to be codified, consolidated and progressively developed. India had actively participated in international conferences held for the purpose of adopting such multilateral treaties as the Vienna conventions on the law of treaties and on diplomatic and consular relations. It had signed the United Nations Convention on the Law of the Sea and had always actively participated in the deliberations of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. It was also a party to the Antarctic Treaty of 1959. India had accepted the compulsory jurisdiction of the International Court of Justice and had resorted to the use of arbitration, the International Court of Justice and the International Civil Aviation Organization in the settlement of disputes. As one of the original Members of the United Nations, India had contributed to peace-keeping operations of the United Nations whenever required to do so. Respect for international law and treaty obligations, promotion of international peace and security, and encouragement of the settlement of international disputes by arbitration were enshrined as a matter of State policy under article 51 of the Indian Constitution.

9. The promotion of the principle of peaceful settlement of disputes between States was fundamental to the achievement of international peace and security. However, the prevention of disputes as well as their peaceful settlement should be flexible and appropriate to the circumstances and nature of the dispute concerned; disputes must be settled on the basis of the principles of the sovereign equality of States and free choice of means. It was essential that nothing the Committee did should result in restriction of the wide choice of means of settlement of disputes available to States.

10. The cause of peace and peaceful settlement of disputes could not be adequately served unless the current world order was structurally modified and path-breaking decisions were taken on vital issues facing mankind. The Movement of Non-Aligned Countries had identified those issues and repeatedly emphasized their importance through various declarations: they included establishment of a non-violent world order: total elimination of nuclear weapons leading to complete and general disarmament; fair and just

(Mr. Chaturvedi, India)

international economic relations; and the guarantee of fundamental rights and freedoms for all peoples.

11. International law formed part of the curriculum of several universities and institutions in India at the graduate and postgraduate levels. The Government had provided financial and other assistance to academic institutions to encourage research and study in international law and had taken steps to publish the treaties concluded with other countries in the form of treaty series. During the Decade of International Law it looked forward to cooperating with other States and international organizations in undertaking activities and programmes to strengthen confidence in international law in such a way that interaction among States was based on universal international law and justice.

12. Draft resolution A/C.6/46/L.12 was adopted without a vote.

AGENDA ITEM 140: EXPLOITATION OF THE ENVIRONMENT AS A WEAPON IN TIMES OF ARMED CONFLICT AND THE TAKING OF PRACTICAL MEASURES TO PREVENT SUCH EXPLOITATION (continued) (A/C.6/46/L.13)

13. The CHAIRMAN, introducing draft decision A/C.6/46/L.13, said that the draft was the result of intensive consultations which he had conducted with a number of delegations from the various regional groups; it represented a consensus text.

14. Draft decision A/C.6/46/L.13 was adopted without a vote.

The meeting rose at 4.05 p.m.