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SIXTH COMMITTEE
2nd meeting
held on
Friday, 21 September 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 2nd MEETING

Chairman:

Mr. MIKULKA

(Czechoslovakia)

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The meeting was called to order at 3.30 p.m.

ELECTION OF OFFICERS

1. The CHAIRMAN said that, following consultations, candidates had been nominated for the offices of Vice-Chairman (2 posts) and Rapporteur. If he heard no objection, he would take it that the Committee wished to elect Mr. Yan-Yaap Van de Velde (Netherlands) and Mr. Khabouji N'Zaji Lukabu (Zaire) as Vice-Chairman, and Mr. Saeid Mirzaee-Yengejeh (Islamic Republic of Iran) as Rapporteur.

2. It was so decided.

3. Mr. HAJNOCZI (Austria) paid tribute to the Chairman and the other officers of the Committee who had just been elected and congratulated them on their election to their respective posts. The manifold issues before the Committee during the forty-fifth session, at the commencement of the United Nations Decade of International Law, were of particular relevance for the observance, promotion and development of international law.

ORGANIZATION OF WORK (A/C.6/45/1; A/C.6/45/L.1)

4. The CHAIRMAN drew the Committee's attention to the letter addressed to him by the President of the General Assembly (A/C.6/45/1) referring to the 13 agenda items which had been allocated to the Sixth Committee. With respect to the reports it was to consider, those of the United Nations Commission on International Trade Law (UNCITRAL) and the International Law Commission (ILC) and the reports of the Secretary-General on observer status of national liberation movements, on the status of the Protocols Additional to the Geneva Conventions of 1949 and on effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives were already available in all languages. The other reports would be ready before the beginning of October and the report of the Committee on Relations with the Host Country would be available at a later date, as was customary.

5. Taking into account the decision adopted by the General Assembly with regard to the closing date of the forty-fifth session, he suggested that the Sixth Committee should organise its programme of work so that it could conclude its work no later than Tuesday, 20 November 1990. Consultations had already been held prior to the opening of the session on the order and dates of consideration of agenda items. The results of those consultations were reflected in the organisation of work proposed in document A/C.6/45/L.1, except for two changes which had been introduced after the consultations. First, the Office for Political and General Assembly Affairs and Secretariat Services had announced that the Main Committees of the General Assembly would not meet on 27 and 28 September and 1 October 1990, because of the convening of the World Summit for Children. Second, on the recommendation of the general Committee, the General Assembly had decided to defer consideration of the item on the development and strengthening of good-neighbourliness between States until the forty-sixth session. If the organisation of work were approved and adhered to with a certain degree of

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flexibility, as was customary, the Committee would most likely fulfil its mandate satisfactorily.

6. As the document prepared by the Secretariat on the organisation of work (A/C.6/45/L.1) would not be available until Monday morning, 24 September, he suggested that the Committee should adopt the organisation of work solely on the basis of the informal document which had been circulated and consider the other aspects of organisation when it had the document in question.

7. Mr. MONTES DE OCA (Mexico) asked whether *consideration* had been given to the possibility of deferring consideration of item 139, Peaceful settlement of disputes between States, until item 138, United Nations Decade of International Law had been considered. In that connection, the replies received from States on the observance of the Decade reflected very broad *agreement* that the adoption of a convention on the peaceful settlement of disputes might be one of the items to be included in the Programme of Action for the Decade.

8. Moreover, in order to facilitate the consultations which delegations would have to hold with their respective Governments on the selection of items for the Programme of Action, it would be extremely practical if the lawyers who were to participate in the consideration of the report of the International Law Commission were to arrive in New York a few days early so that the meetings of the working group on the United Nations Decade of International Law on 25 and 26 October, could be intensified. If the working group met periodically when there was free time during the *consideration* of the report of the International Law Commission, it could doubtless have its final document ready for the Committee's debate on 12 to 14 November.

9. The CHAIRMAN said that, at the current meeting, the intention had been to clarify questions arising from the holding of the World Summit for Children, but not to reopen those questions which had already been dealt with in informal consultations. He was therefore surprised by the proposal that the item on the peaceful settlement of disputes should be considered separately from the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which had traditionally been debated together in the Sixth Committee. Although separate consideration of the peaceful settlement of disputes between States might be justified by the item on the Decade, in his view, most members of the Committee preferred to take up both questions in the usual manner ,

10. With regard to the dates scheduled for the item on the United Nations Decade of International Law, it should be remembered that, in the initial proposal on the organisation of work, different dates had been set for its consideration, but that in response to the very arguments which had been reiterated by the Mexican delegation, a decision had been taken to schedule it after the debate on the report of the International Law Commission. That had been done so that the directors of the legal departments participating in the consideration of the report of the International Law Commission could be present during the debate on the Decade of

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International Law. Moreover, he wished to make it clear that the proposed organisation of work did not necessarily mean that debate on the items could not begin prior to those dates, since the working groups would begin their work very shortly.

11. In his view, it would be best to retain the organisation of work as proposed. Otherwise, and in the light of the changes resulting from the holding of the World Summit, the Committee might encounter difficulties in concluding the second phase of its work by the target dates, since it not only had to discuss the various items, but also had to submit and adopt draft resolutions.

12. Mr., DE OCA (Mexico) welcomed the Chairman's reply to his first suggestion. His second comment had not been understood, since it was not his aim to change the scheduled dates; he simply felt that the Working Group on the Decade of International Law should begin to function from 25 and 26 October onwards.

13. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the proposed programme of work.

14. It was so decided.

15. The CHAIRMAN suggested that consultations should be expedited for the election of the Chairmen of the Working Group on the United Nations Decade of International Law and of the informal consultations on the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier.

16. He drew attention to the first report of the General Committee (A/45/250) adopted by the Assembly, and, in particular, to paragraph 8, concerning the number of members required to declare a meeting of a Main Committee open and permit the debate to proceed.

17. He informed the Committee that, if a delegation provided 220 copies of a statement it intended to deliver, the text would be distributed in advance to all members of the Committee by the conference officers. Otherwise, copies made available by delegations would be available at the end of the meeting. If he heard no objection, he would take it that that procedure was acceptable to the Committee.

18. It was so decided.

19. Mr. HANAFI (Egypt) suggested, given the technical nature of statements at Sixth Committee meetings, that delegations should deliver them at morning meetings, with afternoons reserved for informal consultations.

20. The CHAIRMAN said that the suggestion would, as far as possible, be taken into account.

21. Mr. TREVES (Italy) asked whether the item on the security and safety of diplomatic missions and representatives would be taken up on the afternoon of Tuesday, 25 September, or the morning of Wednesday, 26 September.

22. **The CHAIRMAN** said that it was intended to begin consideration of the item on the morning of 26 September, but that if the item relating to the report of the United Nations Commission on International Trade Law ended sooner than expected, the item on the security and safety of diplomatic missions and representatives could be taken up on the afternoon of 25 September.

23. **M. MARTINEZ-GRONDA** (Argentina) stressed the importance of interpretation coverage of the Working Groups and informal consultations.

24. **The CHAIRMAN** said that everything possible would be done to secure interpretation services.

STATEMENT BY THE CHAIRMAN

25. **The CHAIRMAN** said that one of the principal objectives of the United Nations Charter was to establish the conditions necessary for the upholding of justice and respect for international law. The Charter assigned the General Assembly an active role in the promotion of international co-operation and the progressive development and codification of international law. The dozens of conventions and other international instruments adopted under the auspices of the United Nations and other international forums, in virtually every domain, demonstrated the substantial progress made over the past 45 years. Several declarations by the General Assembly had helped to form a consensus on the interpretation of the abstract principles of international law and the formulation of new rules and principles. Note should be taken in that connection of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted 20 years earlier in resolution 2625 (XXV), of 24 October 1970.

26. Despite such progress, international law still lacked a fully satisfactory role in relations among States. As demonstrated by very recent events, the use of brute force and attempts to impose one's will on others in violation of the norms and principles of international law remained contemporary realities.

27. The declaration of the period 1990-1999 as the United Nations Decade of International Law (General Assembly resolution 44/23) would enable the international community to formulate a concerted strategy and measures to improve the effectiveness of international law, thus enabling it to occupy its rightful place and become a firm foundation of international relations. The new world climate represented a particularly propitious circumstance for the attainment of the Decade's objectives, since there was an awareness of international interdependence, common responsibility for the future of mankind and the supremacy of international law in international relations. The ever-greater acceptance of the compulsory jurisdiction of the International Court of Justice provided one example of the increasing adherence of States to the principle of justice and international law.

28. The Sixth Committee, one of the most active and productive of United Nations bodies, had made an effective contribution to the consolidation of international

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law, and it was to be hoped that at the current session it would once again provide the General Assembly with sound legal advice and demonstrate its whole-hearted commitment in the service of peace, justice and international law.

29. **Mr. KHANI** (Syrian Arab Republic) noted the importance of the statement by the Chairman, and expressed the hope that it would be duly reflected in the summary record of the meeting.

The meeting rose at 4.20 p.m.