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held on  
Wednesday, 10 October 1990  
at 10 a.m.  
New York

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SUMMARY RECORD OF THE 12th MEETING

Chairman:

Mr. MIKULKA

(Czechoslovakia)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 144: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/45/33)

AGENDA ITEM 139: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/45/436 and Add.1, A/45/522-S/21795, A/45/527-S/21901; A/C.6/45/L.1)

1. Mr. TOMKA (Czechoslovakia) said that the movement in the international community from confrontation to co-operation would enhance the role of international organizations, especially the United Nations. The completion of the process leading to Namibian independence represented a major success for the Organization; however, it was now confronted with a new crisis resulting from the aggression perpetrated by Iraq with its unlawful annexation of Kuwait. The unequivocal condemnation of that aggression within the United Nations body which bore the primary responsibility for international peace and security, namely the Security Council, as well as the steps taken by the Council, had the full support of his Government.
2. The favourable changes in the international community were reflected in the report of the Special Committee on the Charter (A/45/33). The Special Committee had made progress, especially on the topic of fact-finding, thanks to the method it had chosen for consideration of the original proposals. With the formulation of a unified document (A/AC.182/L.66), the Special Committee's work on that subject had entered a new phase.
3. The unified document described fact-finding as any activity designed to ascertain facts which the competent United Nations organs needed to exercise effectively their functions in the field of the maintenance of international peace and security; it was important, therefore, to bear in mind the linkage between fact-finding and the performance of functions in all future deliberations on the subject. The unified document also stated that fact-finding missions might be undertaken by the Security Council, the General Assembly and the Secretary-General, in the context of their respective responsibilities in maintaining international peace and security; it should be noted that, according to the Charter, those respective responsibilities differed considerably. The unified document covered, in a balanced form, both legal and political aspects, and that should help to create an atmosphere in which States, knowing precisely under what conditions United Nations fact-finding was to be used, would contribute to its more frequent and unrestricted utilization. It now seemed possible that the document on fact-finding might be finalized at the next session of the Special Committee; his delegation, which was one of the sponsors of the document, was prepared to do its utmost to that end.
4. Turning to the question of peaceful settlement of international disputes, he said that first and foremost, it would be worth while to review the existing means of peaceful settlement and their utilization, and to evaluate the present legal

(Mr. Tomka, Czechoslovakia)

provisions in that sphere. Special attention should be paid to the use of the principal judicial organ of the United Nations, the International Court of Justice, whose latest reports indicated that the confidence of States in it was beginning to grow stronger, and that countries were turning to it more often than in the past. Czechoslovakia, too, had taken a new approach towards the Court, abandoning the rigid postures of the past. His Government had reconsidered the reservations made earlier with regard to those provisions of multilateral international treaties that conferred upon the Court compulsory jurisdiction. The Government had already expressed consent to the withdrawal of 25 reservations; 20 of those cases had to be approved by the Parliament. The withdrawal procedure should be completed before the end of 1990. In addition, accession to the four Optional Protocols that provided for compulsory jurisdiction of the Court was under consideration. The Czechoslovak authorities were also considering the possibility of recognizing the Court's jurisdiction in general, on the basis of a declaration under Article 36, paragraph 2, of the Statute of the Court. In that connection, his delegation noted with interest that Poland had recently become the fifty-second State to recognize compulsory jurisdiction of the Court in general.

5. Czechoslovakia had demonstrated its changing attitude towards the Court by providing, in early July, its first contribution to the Trust Fund to Assist States in the Settlement of Disputes through the Court. In the European context, his delegation expected that mechanisms for the peaceful settlement of disputes would be further strengthened through the expert meeting on the subject that was scheduled to take place in Malta in January and February 1991, as one of the follow-up events of the Conference on Security and Co-operation in Europe.

6. During the most recent session of the Special Committee, members had been provided with information on the progress made by the United Nations Secretariat in preparing a handbook on the peaceful settlement of disputes. His delegation appreciated the efforts made by the Secretariat to finalize the handbook, and hoped that it would be completed and made available soon. With regard to the rationalization of existing United Nations procedures, his delegation felt that the draft originally initiated by France and the United Kingdom could lead to further improvement of the Organization's work and a more rational use of existing resources. His delegation recommended that the document should be adopted by the General Assembly at the present session.

7. Noting that it was reasonable to expect an early completion of the document on fact-finding, he said that it was time to give thought to the future programme of work of the Special Committee. In that connection, the working paper submitted by the Union of Soviet Socialist Republics (A/AC.182/L.65) offered a number of suggestions that deserved more detailed consideration, especially in the area of preventive diplomacy in the United Nations and the system of collective security. Valuable ideas had also been presented by the representative of Italy at the 11th meeting of the Sixth Committee (A/C.6/45/SR.11), in connection with the report of the Secretary-General on the work of the Organization.

8. Mr. BOTERO (Colombia) said that, despite recent encouraging developments on the international scene, the world was still adversely affected by the use of force and the actions of those who wished to further their own individual interests. It was essential to create a true awareness of the need for all nations to live together in peace, in order that all might have an equal voice and that the peoples of the world might have the opportunity to have recourse to mechanisms for preventing breaches of the peace and international security or for restoring peace and security when they had been affected. His delegation noted with satisfaction the work done by the Special Committee on the Charter in its study of the document on fact-finding by the United Nations in the field of the maintenance of international peace and security (A/45/33, chap. III). Nevertheless, there was room for improvement in the draft, especially with regard to its treatment of such important matters of principle as non-interference in the domestic affairs of States on the part of the Organization, respect for sovereignty and respect for the competence assigned by the Charter to the various bodies of the Organization. In that regard, his delegation felt that the first cluster of paragraphs should include prior consent of the receiving State as a prerequisite for the sending of a fact-finding mission, in order to comply with Article 2, paragraph 7, of the Charter, without prejudice to the scope of Article 25. By the same token, his delegation was opposed to the inclusion of paragraph 17 in the draft, because it was harmful to the sovereign interests of States.

9. His delegation appreciated the efforts made by the Legal Counsel to finalize the draft handbook on the peaceful settlement of disputes between States, which could make a valuable contribution to the maintenance of international peace and security. His delegation agreed with the group of countries that wished to include the question of the maintenance of international peace and security on the agenda of the Decade of International Law. That would be consistent with the desire to promote and develop all possible means of peaceful settlement of disputes, including a general convention, and the acceptance of the compulsory jurisdiction of the International Court of Justice. Thus, the Special Committee on the Charter would be able to discuss more thoroughly the matters assigned to it.

10. His delegation endorsed the terms agreed on in the negotiations on the draft on rationalization of existing United Nations procedures. The text reflected significant progress, particularly with regard to two points: (a) the matter of the holding of informal consultations with the widest possible participation of Member States with a view to facilitating the adoption by the General Assembly of agreed texts of resolutions and decisions; (b) the provision that before the end of each General Assembly session, the General Committee should, in the light of the experience acquired during that session, draw up its observations on the organization of the work of the session. The rationalization of procedures would greatly enhance the work of the General Assembly. In fact, it might be advisable to consider extending the study of rationalization to some of the other principal and subsidiary organs of the United Nations.

11. It was important that bodies such as the Security Council should project an image of effectiveness in the maintenance of international peace and security, and to that end it was essential that the unanimity required of the permanent members

(Mr. Botero, Colombia)

should be applied in such a way as to cause the least possible negative effect on the nations concerned. In the legal sphere, the permanent members should recognize the compulsory jurisdiction of the International Court of Justice, inasmuch as that would strengthen the system for the peaceful settlement of disputes and give an example to countries which had not yet recognised the Court's jurisdiction. Colombia was proud to have recognised the compulsory jurisdiction of the Court more than 40 years ago.

12. Mr. RANJEVA (Madagascar) said that a profound upheaval was taking place both in the structure of international relations and in the legal and institutional framework of the United Nations. In view of the latest developments on the world scene, it was important now to redouble efforts, not only with regard to peace-keeping and international security, but also with regard to fact-finding activities by the United Nations in the field of the maintenance of international peace and security, and the peaceful settlement of disputes between States.

13. On the question of the maintenance of international peace and security, he noted that it was no longer impossible to imagine that recourse might indeed be made to Chapter VII of the Charter. Events had confirmed the provisions of the Charter; that was the most important development in the constitutional history of the Organisation. The decisions taken in 1990 had freed the institutions of the Organisation from paralysis, both at the legal level and at the political level. No longer would serious questions be raised as to the usefulness of the Organisation. The understanding reached by the permanent members of the Security Council had cleared the way for implementing the provisions of Chapter VII of the Charter. It was also important to note, however, that as far as peace-keeping was concerned, the Organisation must implement Chapter VI, on the pacific settlement of disputes, as well as Chapter VII, on action with respect to threats to the peace, breaches of the peace, and acts of aggression. It was important now to determine under what circumstances Chapter VII should be implemented, bearing in mind the latest decisions of the Security Council, and in which cases Chapter VI should be applied. The answer was obvious: it depended on the attitude of the great Powers, which should be invited to review, calmly and sincerely, their role in the maintenance of peace.

14. Turning to the question of fact-finding, he stressed that international détente could be enhanced by a clear knowledge of the facts relating to a given situation. Uncertainty fed rumours, which were in themselves distortions of the facts. Hence, the Special Committee should complete its work in connection with fact-finding. Previous speakers had mentioned the important question of access by fact-finding missions to the areas concerned. He wondered whether there might not be a danger of foundering in speculation on legal matters, for lack of an understanding of the historical, technological and political background of a given situation. With regard to history, he recalled that until recently, the main method used for reporting facts had been that of wire dispatches, which could disappear or become blurred in the memory of participants and witnesses very quickly. The age of secret diplomacy had come to an end, and it was no longer possible to conceal anything. New technology, more specifically, information and

(Mr. Ranjeva, Madagascar)

communications technology, should be embraced whole-heartedly for the purposes of fact-finding.

15. It could be seen from the relationship between fact-finding and maintaining peace that the chief difficulty was political. Knowing facts was of little value unless it enabled the United Nations to anticipate events. Without the ability to anticipate events, fact-finding for the purposes of the maintenance of peace was likely to be quite pointless. Anyway, if the United Nations did not fill that gap effectively, others would be sure to do so in its place, but the question was for whose benefit.

16. His delegation supported the proposals on the peaceful settlement of disputes between States. However, it wished to stress that disputes must be settled on the basis of positive law. Promotion of the concept of the rule of law in the settlement of disputes should be considered in the context of the Decade of International Law.

17. Mr. KOSKENNIEMI (Finland) said that the Special Committee had continued to work in a constructive spirit over the past year, but there was cause for some concern about the significance of its output. Although the discussion on the fact-finding capabilities of the United Nations was a useful exercise, the other questions under consideration by the Special Committee would fall short of constituting a full mandate once the work on fact-finding had been concluded. In that respect, his delegation welcomed the suggestions made by the Soviet Union regarding new issues for consideration in the Special Committee.

18. Over the past few years, the Special Committee's main focus had been on the maintenance of international peace and security, particularly the question of enhancing United Nations fact-finding capabilities. Although General Assembly resolution 44/37 had also mandated the Special Committee to consider other proposals relating to the maintenance of international peace, no substantive discussion had been held on such proposals. The Special Committee's most significant achievement in the past year was the unified document on fact-finding (A/45/33, para. 68). To be sure, several provisions of the paper in question still needed further thought and reformulation. There was, for example, clearly some overlap and uncertainty in the formulation of paragraphs 12 to 17. In Finland's view, there should be a stronger emphasis on the assumption that in general consent should not be withheld. Paragraphs 18 and 19 concerning unilateral declarations were interesting, and that subject might be given a more prominent place. Furthermore, entrusting fact-finding functions to international organizations or their representatives might be a suggestion worth consideration.

19. Under the item on the peaceful settlement of disputes between States, the Special Committee had only the draft handbook to consider. While the handbook would be a very useful instrument, Finland had some doubts as to whether it justified keeping the item on the Special Committee's agenda. Of course, at the Special Committee's most recent session, there had been a general exchange of views on the importance of mechanisms for peaceful settlement and on the Decade of

(Mr. Koskenniemi, Finland)

International Law, now under discussion as a separate item by the Sixth Committee. However, no additional substance had emerged, despite the fact that General Assembly resolution 44/37 called for proposals to be submitted to the Special Committee. In the future, the topic of the peaceful settlement of disputes between States should therefore be discussed not as a specific item on the agenda of the General Assembly but, rather, in the context of the Decade or in the Special Committee.

20. The other noteworthy development in the Special Committee had been the completion of the draft document on the rationalisation of existing United Nations procedures. Finland fully supported the increasing use by the General Assembly of co-ordination, streamlining and informal consultations. With the adoption by the General Assembly of the draft document, there would be even more pressure to agree on new subjects to be taken up by the Special Committee.

21. Recent political events in the world had lifted Chapter VII of the Charter from oblivion. Since the recent adoption of certain resolutions by the Security Council, particularly resolution 661 (1990), it had become evident that Chapter VII was silent on what might be called "sanctions management". Many of the problems confronted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait had been either unprecedented or such that the relevant Articles of the Charter themselves gave no indication of how to deal with them.

22. The plight of third-country citizens, stranded in the State against which the United Nations had decided to take measures, was one such problem. Although humanitarian circumstances constituted an exception to a sanctions régime, there were no guidelines on how the determination of such circumstances should take place. A second set of problems related to action under Article 50 of the Charter. While Article 50 entitled countries confronted with special economic problems to consult the Council, there was no indication in the Charter as to how such problems should be assessed and what kinds of measures, if any, the Council should take in order to deal with them. Thirdly, there was the issue of the general management of economic sanctions, including the authority to interpret the relevant resolutions and measures to ensure full enforcement.

23. The application of Chapter VII would always have to be based on the character of the individual situation. Nevertheless, the existence of general, flexible guidelines on some aspects of sanctions management might facilitate rapid Council action and provide Member States with a better picture of what was expected of them if such action was contemplated.

24. The Sixth Committee would soon have to consider what new items should be dealt with by the Special Committee. Some of the concrete, practical problems relating to action under Chapter VII might be worthy of consideration. Such problems could be taken up by the Special Committee under the item on the maintenance of international peace and security, once consideration of the question of fact-finding had been completed or perhaps even before that. The report of the

(Mr. Koskenniemi, Finland)

Collective Measures Committee submitted to the General Assembly at its sixth session gave a good idea of what the Special Committee might aim to achieve.

25. Mr. KORNBLUTH (Israel), referring to the issue of the peaceful settlement of disputes, said that Israel had recent experience, from the work of the Egypt-Israel Arbitration Tribunal, with arbitration combined with certain elements of conciliation. That had been a successful combination of methods.

26. On the subject of fact-finding, he had some comments concerning the clusters of paragraphs based on the two relevant working papers. With regard to cluster 1, Israel supported the view that the sending of any fact-finding mission required the receiving State's prior consent. Such consent could not be merely implied. It was a matter closely related to the concept of the sovereignty of States. The problem of consent did not simply arise where there was an unauthorized intrusion into the sovereignty of a State, because, *inter alia*, the question of who was to decide exactly what amounted to an unauthorized intrusion and when such an intrusion had occurred remained completely open. Once the prior express consent of the receiving State had been granted, many of the other issues involved in the mission's work became much easier to solve.

27. Cluster 2 embodied the crucial concept of the fact-finding mission's impartiality. The greater the prospect of impartiality, the greater the likelihood that States would consent to the entry of a fact-finding mission. Many States had in the past been extremely reluctant to admit foreign fact-finding missions. Israel believed that the element of impartiality could be strengthened primarily by ensuring that the members of the mission were acceptable both to the sending body and to the receiving State. At the very least, the members of the mission should be nationals of countries that had diplomatic relations with the receiving State. A guarantee of impartiality functioned as a confidence-building mechanism to enhance the likelihood of consent. The opposite situation could have negative implications, because a mission that failed to act impartially might aggravate the problem on the ground.

28. It was an established principle that, unless otherwise provided by the Charter itself, States involved in a dispute had a free choice of the means of settling the dispute. Fact-finding was merely one of the possible means of peaceful settlement. It would, therefore, be totally incongruent with the principle of free choice for one of the possible methods to be forced on a State. Yet that was exactly the situation that would be created if the fact-finding mission's work was not contingent on the receiving State's consent. The idea of the need for consent should be clearly stated in the body of the text being considered by the Special Committee and not just be mentioned in the preamble. Consent could not be presumed by silence. And no State could be required to give reasons for not admitting a mission. The co-operation and consent of States would be essential to the success of fact-finding over the years to come. Each State would pay careful attention to the practice of other States that had faced similar situations.



(Mr. Kornbluth, Israel)

29. Although it was by no means certain that a detailed list of facilities to be granted to the mission would be useful, a kind of model list of desiderata could perhaps serve as the basis of an agreement between the mission, or the sending organisation, and the receiving State. Moreover, having accepted the mission's presence, a State would have an interest in co-operating and ensuring the mission's success, except in the unlikely event, which had nevertheless to be guarded against, that the mission proved hostile or provocative with regard to the situation on the ground.

30. In connection with cluster 7, he again stressed the principle of free choice of means for the peaceful settlement of disputes.

31. As for the text of the unified document (A/45/33, para. 68), Israel welcomed the safeguards provided under paragraphs 3 and 5. Paragraph 9 recognized by implication the principle of free choice of means of dispute settlement. That principle was worthy of express mention in the text. Furthermore, Israel agreed with the requirement of consent in paragraph 13, for the reasons already outlined.

32. On the issue of the functioning of the mission once it was established, paragraph 25 in effect encompassed the idea that mission members should not themselves act in a provocative manner. With regard to the hearings mentioned in paragraph 27, it would perhaps be advisable for the receiving State to agree separately, and in advance, to such hearings. Israel believed that paragraph 30 might involve unnecessary expense, and also considered that the action envisaged by paragraph 35 was already encompassed in the Secretary-General's existing powers under the Charter. Paragraph 26 should include a guarantee that the receiving State would be invited to comment on and respond to any point or allegation made in the course of the fact-finding mission, before the mission left its territory. Moreover, it would seem equally appropriate to enable the receiving State to express its views again at a later stage, before the report was submitted to the requesting body.

33. Mr. MOREIRA LIMA (Brazil), drawing attention to paragraph 13 of document A/45/33, noted that progress had been made recently in the work of the Special Committee. He commended the efforts which had resulted in a unified document on fact-finding (A/AC.182/L.66), as the document provided a sound basis for the Special Committee's continued work in that area.

34. While it was indisputable that fact-finding activities were fully in keeping with Articles 24, 34 and 99 of the Charter of the United Nations, the consent of the receiving State or States should be secured whenever the sending of a fact-finding mission was under serious consideration, as stated in paragraph 52 of document A/45/33. On the other hand, the suggestion made in that paragraph that a provision dealing with prior consent could be better placed in the preamble to the text being formulated might create a degree of ambiguity, thus weakening a fundamental principle of international law.

35. Paragraphs 70 to 77 of the report of the Special Committee showed that there had been a useful exchange of views on the question of the peaceful settlement of

(Mr. Moreira Lima, Brazil)

disputes. He welcomed the adoption by the General Assembly, in its decision 44/415, of the Special Committee's proposal on resort to a commission of good offices, mediation or conciliation within the United Nations.

36. Noting with satisfaction that further progress had been made in reviewing and improving the text of the draft handbook on the peaceful settlement of disputes, he expressed the hope that the draft handbook would be completed before the next session of the Special Committee. It would be a useful tool for future deliberations on the item.

37. Drawing attention to the draft document on the rationalization of existing procedures of the United Nations (A/AC.182/L.43/Rev.5), he noted that paragraph 1 of that document had been reformulated, as mentioned in paragraph 85 of the report of the Special Committee. The discussions concerning the earlier version of that paragraph had been based on the erroneous idea that consensus was necessary for the adoption of "more efficient" resolutions. While consensus was certainly desirable, it could not be construed in such a way as to apply necessarily to any decision-making process; the basic principle underlying the sovereign equality of States must not be disregarded. To wish for consensus to be grafted on to the rules of procedure of a body like the General Assembly would be to vitiate the purpose which that body was intended to serve.

38. Recalling the history of the Special Committee, he said that although the Committee's mandate at its inception in 1955 had been to consider fixing an appropriate time and place for a general conference to review the Charter in accordance with Article 109, paragraph 1, of that instrument, it had been clear at the time that such a conference would be an exercise in futility, since there had been no basis for agreement upon previously suggested reforms. From 1967 on, the Special Committee had encountered stiff opposition to proposals for substantial reforms affecting the relative roles of the General Assembly and the Security Council. In 1963, the General Assembly had adopted amendments to the Charter to enlarge the membership of the Economic and Social Council and the Security Council. However, fundamental change within the United Nations had taken place largely through informal procedures rather than through formal amendments.

39. That experience raised several basic questions, such as whether the formal amendment process was too rigid to allow for the requisite adjustments to changing world conditions. If Member States became convinced that a more integrated international system was necessary, he wondered whether the Charter would be a viable instrument.

40. There was currently a widespread view that the Organization's mandate was being strengthened and its role expanded. As the cold war was coming to an end, a period of growing interdependence was beginning, and the need for greater co-operation among peoples and countries was being felt. It was becoming increasingly clear that maintaining peace and security was not the prerogative of a few States, but rather the shared responsibility of all. The transition from confrontation to co-operation in international relations could hardly be made and sustained without strengthening the rule of law under the Charter.

(Mr. Moreira Lima, Brazil)

41. As pointed out by the Brazilian President in his recent statement to the General Assembly, the world had not stopped in 1945. As the fiftieth anniversary of the United Nations approached, the time had come to bring certain aspects of the Charter into line with contemporary realities. For example, the existing provisions relating to the composition of the Security Council could be re-examined, and obviously anachronistic clauses, such as the reference in Article 107 to "enemy" States, could be eliminated.

42. Mr. MUNTEANU (Romania) said that the submission to the Special Committee of a unified document on fact-finding (A/AC.182/L.66) showed that a promising consensus existed with regard to strengthening the capacities of the United Nations in that area. Drawing attention to paragraph 6, which provided that fact-finding missions could be undertaken by the Security Council, the General Assembly and the Secretary-General, he said that the Security Council's united and firm approach to the current Gulf crisis would have a lasting impact on its increased ability to fulfil its functions in maintaining international peace and security. Paragraphs 31 and 32 were also timely in that they sought to strengthen the Security Council's capacity to promote preventive diplomacy.

43. His delegation welcomed the understanding which had been reached on the need for prior consent by States to the sending of fact-finding missions, as clearly stipulated in paragraph 13. It also endorsed the provision in paragraph 35 on enhancing the Secretary-General's capacity to provide early warning of situations which might threaten international peace and security. Where appropriate, the Secretary-General should bring relevant information to the attention of the Security Council. It was to be hoped that the drafting process could be completed at the Special Committee's 1991 session, and that the General Assembly would then be in a position to adopt a meaningful consensus document on fact-finding by the United Nations.

44. With regard to the rationalization of existing procedures of the United Nations, he emphasized the practical value of the Special Committee's recommendations, as set out in paragraph 86 of its report, particularly paragraphs 4 and 9 of the recommendations, and hoped that they would be adopted by the General Assembly.

45. His delegation joined with others in expressing appreciation to the Secretariat for its efforts to prepare a draft handbook on the peaceful settlement of disputes. Drawing attention to document A/45/436 and Add.1, containing replies received from States and international organizations, he said that Romania favoured greater recourse to the International Court of Justice in cases involving legal disputes. In 1990, his country had begun to withdraw its reservations concerning the compulsory jurisdiction of the Court with regard to multilateral treaties in the humanitarian and human-rights fields.

46. His delegation had suggested that, beginning in 1991, the question of the peaceful settlement of disputes should be considered within the framework of the United Nations Decade of International Law, as the programme for the Decade would

(Mr. Munteanu, Romania)

include appropriate recommendations for strengthening the process of peaceful settlement through the progressive development and codification of international law.

47. Romania had an unshakeable belief in legality and legal institutions. For that reason, it attached great importance to all the activities undertaken by the Special Committee, and hoped that the Committee would continue to give priority to the legal aspects of the maintenance of international peace and security.

48. Mr. GUIBILA (Burkina Faso), referring to the question of the peaceful settlement of disputes between States, said that such disputes were increasingly attributable to economic, social and ecological factors, either directly or indirectly. The current international economic order was either partly or entirely responsible for that state of affairs. Action was required, since a great number of the old problems persisted. The establishment of a more just and equitable international economic order would help to reduce and perhaps even eliminate disputes between States.

49. Although the Charter itself clearly contained the necessary provisions for the maintenance of international peace and security, non-observance of those provisions had led to the adoption of a number of additional instruments. Moreover, since those additional instruments were themselves not being implemented, some Member States believed that a supplementary convention should be prepared on the subject. However, what was actually required was the necessary political will. Argentina and the United Kingdom, which had re-established diplomatic relations early in 1990, thus provided an example that many States would do well to follow. Burkina Faso also wished to stress the importance of the International Court of Justice, and to call on States that had not yet done so to declare that they recognized the Court's jurisdiction as compulsory. Burkina Faso had made such a declaration, and as a result of the referral of its dispute with Mali to the Court in 1986, the hostilities between the two countries had been ended, and confidence and co-operation had been restored between them. That was another example to be followed.

50. UNESCO was to be commended for its contribution in the academic and scientific fields to the promotion of peace. His delegation urged the organs of the United Nations, particularly the Security Council, to co-operate closely with regional and subregional organizations in the maintenance of international peace and security.

The meeting rose at 11.55 a.m.