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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Working Group on the United Nations Decade of International Law

Chairman: Mr. Aftab FARRUKH (Pakistan)

1. The General Assembly, in its resolution 45/40 of 28 November 1990, requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-sixth session in accordance with its mandate and methods of work.
2. Pursuant to that resolution, the Sixth Committee, at its 15th meeting, on 16 October 1991, decided to reconvene the Working Group on the United Nations Decade of International Law and elected Mr. Aftab Farrukh (Pakistan) Chairman of the Working Group.
3. The Working Group had before it the report of the Secretary-General on the item (A/46/372), containing an analysis of the replies received in accordance with resolution 45/40, in which the General Assembly had requested the Secretary-General to submit to it a progress report at its forty-sixth session on the implementation of the programme for the activities to be commenced during the first term (1990-1992) of the Decade, annexed to the said resolution. The report further contained a survey of activities of the United Nations relevant to the progressive development of international law and its codification, prepared pursuant to paragraph 1 of section III of the programme. The Working Group also had before it the following communications: (a) letter dated 4 February 1991 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General (A/46/79); (b) letter dated 22 July 1991 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General (A/46/317-S/22823); (c) letter dated 30 July 1991 from the

Permanent Representative of Malta to the United Nations addressed to the Secretary-General (A/46/335); (d) note verbale dated 19 September 1991 from the Permanent Representative of China to the United Nations addressed to the Secretary-General, containing the final report of the Symposium on developing countries and international environmental law, held at Beijing from 12 to 14 August 1991 (A/C.6/46/4); (e) letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/46/587).

4. The Working Group held 5 meetings between 22 October and 11 November 1991, during which it considered the report of the Secretary-General, section by section, as presented below.

General remarks

5. It was generally observed that the report of the Secretary-General provided a very useful basis for the discussion of the implementation of the programme of the first term (1990-1992) of the Decade. While it was noted that only 13 replies had been so far received from States, there was a widespread view that a greater number of replies is expected from States for inclusion in the report of the Secretary-General to be presented to the forty-seventh session, at the end of the first term (1990-1992) of the Decade. It was also pointed out that the 38 replies received from organizations of the United Nations system, international organizations, intergovernmental organizations and non-governmental organizations contained a wealth of information concerning their activities, which were appreciated and supported.

6. Given the interim nature of the present report of the Secretary-General, it was agreed that the Working Group would use it as a basis for an exchange of views on the implementation of the programme during this initial stage of its first term, while discussing proposals and ideas which could be considered for inclusion in the programme for the second term in 1992 by the Working Group.

A. Promotion of the acceptance of and respect for the principles of international law

7. With respect to the question of the promotion of the acceptance of multilateral treaties, several representatives informed the Working Group of the different modalities used in their respective countries regarding the publication of the list and/or the texts of multilateral treaties to which they were parties, constituting a useful practice which might be recommended for other States to follow. The view was expressed that a compendium containing multilateral treaties deposited with the United Nations system of organizations should be published by the United Nations. Reference was made to the status of ratifications of and accessions to multilateral treaties deposited with the Secretary-General, published yearly by the United Nations. In this connection, it was pointed out that it might be useful to present that information in such a way as to indicate also the participation of each State

in those conventions. Such a presentation, it was noted, would greatly assist States, particularly developing countries, when making their own decisions as to whether to become parties to such conventions. The suggestion was made that the United Nations should also publish the status of ratifications of and accessions to multilateral treaties deposited with other international organizations or States. The useful practice of the United Nations Commission on International Trade Law (UNCITRAL) of holding regional seminars in order to encourage participation by developing countries in UNCITRAL treaties was mentioned. In response to the request for additional information regarding the participation of States in multilateral treaties deposited with the Secretary-General, the Secretariat informed the Working Group that the data relating to the status of multilateral treaties deposited with the Secretary-General would be transferred from the word processor currently used to modern software for on-line access by all in the coming biennium. Furthermore, the Secretariat would endeavour to produce the monthly Statement of treaties and international agreements registered or filed and recorded with the Secretariat within three to five months from the date of registration rather than the current 10 months.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice

8. There was general agreement on the importance of resort to the International Court of Justice as a means for the peaceful settlement of disputes. Several suggestions were made regarding the enhancement of the role of the Court, particularly concerning the acceptance of its compulsory jurisdiction. Amongst others, it was suggested that States be encouraged to indicate what problems they may have, if any, with the declarations in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice. The proposal by the Secretary-General that he be granted the authority to request an advisory opinion from the Court gave rise to divergent views. While it was supported by some representatives, doubts on its appropriateness were expressed by some other delegations. There was also the view that the matter deserved further consideration. Support was expressed with regard to the Trust Fund established by the Secretary-General to assist States in the settlement of disputes through the International Court of Justice. The importance of other means of peaceful settlement of disputes was underlined and certain proposals were made in this respect.

C. Encouragement of the progressive development of international law and its codification

9. The Working Group expressed its satisfaction with the detailed information received from international organizations on their activities relevant to the progressive development of international law and its codification in their respective areas of competence and encouraged them to undertake further such activities. The Working Group took note of a number of proposals by States in this field.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

10. The Working Group expressed its appreciation for the information received from States and international organizations regarding practical steps already undertaken to implement this aspect of the programme. Additional examples of relevant activities were given by some delegations.

11. With respect to the question of the wider publication of the judgments and advisory opinions of the International Court of Justice, the Secretariat informed the Working Group that it would be possible to translate into the other official languages of the Organization in addition to English and French and to publish in all official languages the summaries of the judgments and advisory opinions of the Court (1949-1990), as provided by the Court's Registry, and to update this publication in subsequent years within the current overall level of appropriations.

12. In addition to the information contained in the report of the Secretary-General regarding the publication of the United Nations Treaty Series, the Secretariat informed the Working Group that data in the United Nations Treaty Information System were being verified for accuracy and completeness. The verification process was expected to be completed by the end of 1993. The data would be made available for on-line access by delegations, public entities as well as private individuals. The availability for on-line access required the conversion of the old programme into modern software. This would be effected through the services of a special consultant as accepted by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). The usefulness of the on-line access would be enhanced by a cumulative computerized index. With the assistance of the above-mentioned special consultant, the Secretariat expected to submit a report on the cost and feasibility of putting the contents of the Treaty Series on CD-ROM in the second half of 1992 (a single CD-ROM would contain approximately 600 volumes of the Treaty Series) with a view to submitting budget proposals for 1994-1995 aiming at implementation in 1994. The Working Group expressed appreciation for the efforts of the Secretariat in this respect.

E. Procedures and organizational aspects

13. The representative of a Member State which had established a national committee for the implementation of the programme for the Decade gave additional information on the functioning of that body, which would have a useful coordinating role, as recognized in the debate.

**F. Activities of the United Nations relevant to the
progressive development of international law and
its codification**

14. The Working Group expressed its appreciation to the Secretary-General for his report on the activities of the United Nations relevant to the progressive development of international law and its codification, which it found to be an excellent overview well-presented in a concise manner. The Working Group stressed the need of circulating the information contained in the report as widely as possible. It was suggested that the Secretariat should request the relevant United Nations bodies to continue sending annually new information on their legal activities which the Secretariat would then use to supplement the report on an annual basis.
