

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SEVENTH SESSION

Official Records



**SIXTH COMMITTEE, 1391st
MEETING**

Monday, 11 December 1972
at 9 p.m.

NEW YORK

Chairman: Mr. Erik SUY (Belgium).

AGENDA ITEM 90

Review of the role of the International Court of Justice.
(continued) (A/8747, A/C.6/L.887, A/C.6/L.891,
A/C.6/L.892, A/C.6/L.893/Rev.1, A/C.6/L.894)

AGENDA ITEM 49

Human rights in armed conflicts:

(a) **Respect for human rights in armed conflicts: report of the Secretary-General under General Assembly resolutions 2852 (XXVI), paragraph 8, and 2853 (XXVI) (continued)** (A/8781 and Corr.1, A/C.6/L.884/Rev.1, A/C.6/L.885/Rev.2, A/C.6/L.897)

1. Mr. SAM (Ghana) moved, under rule 118 of the rules of procedure, that the debate on the items relating to the review of the role of the International Court of Justice and to human rights in armed conflicts should be adjourned until the twenty-eighth session of the General Assembly. He further proposed that a separate vote should be taken on the postponement of each of those items, which could not be considered with the attention they deserved in the short time remaining to the Committee.

2. The CHAIRMAN said that, under rule 118, two representatives could speak in favour of, and two against, adjournment of the debate on each of the items covered by the Ghanaian motion, after which the Committee would proceed immediately to the vote.

3. Mr. GONZALEZ GALVEZ (Mexico) opposed the Ghanaian motion. It was inaccurate to say that the Committee lacked the time to give adequate consideration to the two items mentioned, since the general debate on them had already been completed and the various draft resolutions had been introduced. During the previous 12 years, the Committee had postponed only two or three items, and then not because of lack of time but on the basis of a decision relating to the substance of the matter.

4. Mr. BLIX (Sweden) said that the motion to adjourn the debate on the human rights item should not be considered at the present meeting because it had been agreed to discuss only the item relating to the Court. Concerning the motion to postpone consideration of the latter item, he failed to see the difficulty in taking a decision on the question of review of the Court's role, since the matter had been before the Committee for several years and the arguments in support of various approaches to it were familiar. As in previous years, a number of delegations favoured the establishment of an ad

hoc committee to review the functioning of the Court, while another group of delegations was opposed to the creation of such a body. He therefore opposed adjournment of the debate on the item.

5. Mr. SETTE CÂMARA (Brazil) said that, in the view of the Brazilian Government, the cause of the present crisis of confidence in the International Court of Justice lay in the unwillingness of Member States to utilize it, rather than in any statutory or functional deficiencies of the Court. The Court constituted the first positive step towards institutionalization of the rule of law among nations. There was a general consensus in the Committee concerning the need to enhance the Court's role in the international community, and the only question at issue was what methods should be used to attain that goal. The Court's alleged shortcomings should be placed in their proper perspective: the judicial settlement of disputes in a world still plagued by the concept of absolute sovereignty was no mean task, and a judicial settlement immune from pressures from the parties involved was the most effective instrument in the peaceful settlement of disputes. In view of the fact that the Court had only recently embarked upon the revision of its Rules, it would be advisable to see how the revised Rules worked out in practice before undertaking an examination of ways and means of improving the procedures and working methods of the Court. His delegation had detected a note of reticence in the letter addressed by the President of the Court to the Secretary-General regarding the establishment of a body to assess its work; the Court clearly did not believe that its relative inactivity was due to factors over which it could have direct control.

6. For those reasons, the Brazilian Government fully endorsed the motion to adjourn the debate on the Court item until the following session of the General Assembly. Furthermore, it was impossible to discuss the matter seriously in the few meetings remaining to the Committee at its current session.

7. Mr. VELASCO ARBOLEDA (Colombia) said he firmly supported the motion to adjourn the debate on the item relating to the International Court of Justice. It was illogical for certain delegations which had opposed the establishment of a committee on Charter review to advocate the setting up of a similar organ to consider the Statute of the Court, which formed an integral part of the Charter. He agreed with the representative of Iraq that it was necessary to proceed prudently rather than to take hasty action without careful and thorough study of all aspects of the question. It would be better for the Sixth Committee's prestige for it to adopt a cautious approach rather than to rush into a particular course of action merely in order to complete consideration of all items on the agenda.

8. Mr. MARTINEZ (Cuba) moved, under rule 120 of the rules of procedure, that the meeting should be suspended for a short time in order to allow consultations to be held between the parties concerned with the items under discussion. Under rule 121, his motion should have precedence over the Ghanaian motion.

The motion was adopted by 42 votes to 15, with 21 abstentions.

The meeting was suspended at 9.40 p.m. and resumed at 10 p.m.

9. Mr. SAM (Ghana) said that the general consensus in the discussions held during the suspension was that the vote on his motion to adjourn the debate on the items relating to the International Court of Justice and human rights should be postponed until the following meeting.

10. Mr. SHITTA-BEY (Nigeria) moved that the meeting should be adjourned, on the understanding that the Ghanaian motion would be taken up as the first item of business at the following meeting.

11. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to defer voting on the Ghanaian motion until the following meeting. Since two representatives had already spoken in favour of, and two against, the motion to adjourn the debate on the Court item, the Committee would begin its work at the following meeting by voting on that proposal. The Committee would then hear one more speaker against, and two in favour of, the motion to adjourn the debate on the human rights item before proceeding to vote on it.

It was so decided.

The meeting rose at 10.05 p.m.