

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
39th meeting
held on
Monday, 18 November 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. AFONSO (Mozambique)
later: Mr. SANDOVAL (Ecuador)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 127: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)

AGENDA ITEM 124: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING,
STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned
within one week of the date of publication to the Chief of the Official Records Editing Section, Room DC.2.250,
United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/46/SR.39
27 November 1991

ORIGINAL: ENGLISH

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 127: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)
(A/46/79, A/46/317-S/122823, A/46/335, 372, 383 and Add.1 and 587; A/C.6/46/4;
A/C.6/46/L.8)

1. Mr. GIANG (Viet Nam) said that, since the adoption of the programme for the activities to be commenced during the first term of the United Nations Decade of International Law, a number of significant results had been achieved, including the completion of the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security and the Handbook on the peaceful settlement of disputes between States. Much progress had also been made by the International Law Commission, the United Nations Commission on International Trade Law and other specialized bodies in the codification of international law.

2. During the current session of the General Assembly, many delegations had referred to the emergence of a new world order. Whether such an order had emerged or not, it did not seem to be what many States desired. The world for which the international community was striving should be one of peace, justice, national sovereignty, cooperation and equality, and especially of equal opportunity for all countries in achieving development and prosperity. Such a world must be governed, first and foremost, by universally accepted rules of law. Accordingly, the elaboration of an international legal framework which would encompass many areas of political and economic relations and which would assist States in coordinating their activities was of great significance.

3. While his delegation welcomed the report of the Secretary-General on the first year of the Decade (A/46/372), it was concerned at the financial and organizational aspects of the programme. In addition to voluntary contributions, the Decade should have a regular budget. The General Assembly should also consider establishing, as soon as possible, a trust fund to be administered by the Secretary-General in accordance with resolution 45/40. The success of the Decade also greatly depended on the development and the implementation of its programmes. While the Working Group on the United Nations Decade of International Law had partially fulfilled its mandate in that regard, it was hard to see how the Working Group could coordinate both the activities of the United Nations system and those of Member States. While the Sixth Committee had an important role to play in the progressive development and codification of international law, his delegation feared that it could have very little influence beyond that immediate area. Accordingly, a competent body was needed to assist the Working Group.

4. The programmes of the Decade should give priority to the study of international law. Such study should focus on both the traditional areas of international law and new areas which required codification. Since many countries did not have sufficient qualified personnel or the necessary

(Mr. Giang, Viet Nam)

resources to be informed continually about new developments in international law, the topics to be studied during the Decade should be determined and appropriate financing should be provided by the United Nations.

5. His delegation deeply appreciated the United Nations Programme of Assistance, Teaching, Study, Dissemination and Wider Appreciation of International Law. A number of lawyers from Viet Nam and other developing countries had greatly benefited from the Programme. However, under its current financial circumstances, the Organization could not afford to organize enough training courses and seminars for even a small number of lawyers from developing countries which were badly in need of assistance. Accordingly, his delegation believed that the provision by the United Nations of international law study materials to both developed and developing countries could be one of the most cost-effective ways of promoting the teaching, study, dissemination and wider appreciation of international law.

6. The computerization of data on the status of multilateral treaties should be completed as soon as possible. Such information would be very useful both to countries which were parties to those treaties and those which were not.

7. His delegation believed that the judgements and advisory opinions of the International Court of Justice should be published in all the official languages of the United Nations. That would facilitate an understanding of the Court's increasingly important role in the peaceful settlement of disputes.

8. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that the Soviet Union regarded the proclamation of the United Nations Decade of International Law as an important step in the establishment of a reliable and secure legal order. It welcomed the programme for the activities to be commenced during the first term of the Decade and believed that the premise that international peace and security could be maintained only if States acted in accordance with international law must lie at the heart of the Decade and that each individual activity must contribute to the incorporation of that concept into the daily practice of inter-State relations. His delegation also supported the idea that the acceptance of and respect for international law meant, in the first place, the participation of States in the basic universal multilateral conventions and strict observance of their provisions. The Soviet Union had been an initiator and participant in the formulation of nearly all the important modern multilateral treaties and agreements. It was currently a party to over 14,000 multilateral and bilateral agreements.

9. In July 1991 the Supreme Soviet had adopted some important decrees to expand the Soviet Union's participation in the monitoring mechanisms for human rights in accordance with the basic international agreements in that sphere. The Soviet Union had become a party to the Optional Protocol to the International Covenant on Civil and Political Rights, thereby recognizing the competence of the Human Rights Committee to receive and consider communications from Soviet citizens who claimed that their rights had been

(Mr. Ordzhonikidze, USSR)

violated; in accordance with article 41 of that Covenant it had made a declaration that it recognized the competence of the Human Rights Committee to receive complaints from a State Party that another State Party was not fulfilling its obligations under the Covenant; in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination the Soviet Union had declared that it recognized the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals or groups of individuals within its jurisdiction claiming that their rights had been violated for reasons prohibited under the Convention; and it had withdrawn its reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby agreeing that the Committee against Torture could examine reports of systematic torture in any State Party to the Convention either in cooperation with that State or independently. Moreover, the Soviet Union had recognized the competence of the Committee against Torture to consider complaints by a State Party that another State Party was not fulfilling its obligations under the Convention (art. 21) and to consider communications from individuals claiming to be victims of torture (art. 22). Those steps were in implementation of the statement made to the United Nations by Mr. Gorbachev, President of the Soviet Union, in December 1988 regarding that country's intention to participate more actively in the international monitoring procedures. The Soviet Union had thus become one of the countries which had undertaken maximum responsibility under international legal agreements in the human rights field.

10. The implementation and strict observance of multilateral agreements could be promoted through: steps to increase the number of States parties to international agreements, including regular appeals to States and interpretation of the provisions of treaties for their benefit; the development of existing monitoring and implementation mechanisms, and the creation of new ones, possibly in the form of additional protocols to agreements; the attainment of a uniform interpretation and practical application of the norms and principles of international law embodied in international agreements through increased discussion at the inter-State and non-governmental levels; further development of international law in accordance with the requirements and realities of the modern world; codification in new areas, above all the environment, human rights, international terrorism and illegal drug trafficking; and the study and formulation of recommendations for the most effective and acceptable ways of incorporating conventional norms into the domestic law of States. An important role in achieving those objectives could be played by the United Nations, its organs and specialized agencies, and also by non-governmental organizations in the legal field. A comprehensive programme of specific actions should be formulated within the framework of the Decade, providing for active participation by intergovernmental and non-governmental organizations, scientific circles and the public.

(Mr. Ordzhonikidze, USSR)

11. Practical steps must be taken to enhance the effectiveness of the International Court of Justice and agree on mutually acceptable conditions for recognition by all States, and in the first place the permanent members of the Security Council, of the compulsory jurisdiction of the Court, particularly in relation to the fight against terrorism and drug trafficking, diplomatic law, specific cases of compensation for damage and other matters in respect of which there were already clear-cut international legal norms. His delegation also felt that the role of the Permanent Court of Arbitration should be enhanced in the area of the peaceful settlement of disputes; that Court had been established in accordance with the 1899 Hague Convention on the Pacific Settlement of Disputes at the first International Peace Conference, convened on the initiative of Russia.

12. His delegation felt that the programme for subsequent terms of the Decade should be formulated without delay, and that the coordinating body for the implementation of the Programme should be the Working Group of the Sixth Committee. The attainment of the goals of the Decade should not be confined to legal forums of the United Nations and its specialized agencies but should become an integral part of the work of all United Nations bodies and should provide direction to their specific programmes to ensure the primacy of law in various areas of international cooperation.

13. Ms. WILLBERG (New Zealand) said that recent events had underscored the timeliness of declaring the 1990s as the United Nations Decade of International Law and of the purposes of the Decade, especially the 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. In that connection, she drew attention to paragraph 8 of document A/C.6/46/L.8, referring to the acceptance of the compulsory jurisdiction of the Court. As the President of the Court had recently pointed out, there was a greater understanding among Governments of the role that an international court could play in their mutual relations and a steady growth in the number of declarations accepting a measure of compulsory jurisdiction; his delegation welcomed both those developments and encouraged those States which had not yet done so to make a declaration under Article 36, paragraph 2, of the Statute of the Court.

14. The establishment of the Secretary-General's Trust Fund to assist States in the settlement of disputes through the Court was a valuable step towards ensuring that resort to the Court was a realistic option for all States, including those with limited resources. New Zealand was an enthusiastic supporter of the Trust Fund's aims and had contributed to it at an early stage.

15. With regard to the teaching, study, dissemination and wider appreciation of international law, the key factor was the ready availability of information. Her country had recently computerized its central treaties register, thus recording, in an easily accessible form, information on the status of both bilateral and multilateral treaties.

(Ms. Willberg, New Zealand)

16. With regard to the provision of assistance and technical advice to States, in particular to developing countries, New Zealand had sponsored the participation of South Pacific lawyers in the International Law Seminar held at Geneva in June 1991. Earlier in the year, her country had hosted the Annual Meeting of Pacific Island Law Officers, designed to facilitate contacts and the exchange of views among lawyers in the region. Over the past year, New Zealand had continued to provide assistance throughout the region on international law issues, particularly in the area of environmental law. Her delegation hoped that the Decade would provide an appropriate focus for the elaboration of suitable environmental protection measures.

17. The report of the Secretary-General had provided a good basis for discussion in the Working Group. Her delegation welcomed the spirit of consensus which had been evident throughout those discussions.

18. Mr. GONDRA (Argentina) said that document A/46/372 was of great value because it presented a broad panorama of the activities of international organizations and other agencies concerned with international law. Updated information on that subject should continue to be provided in the future.

19. With regard to the promotion of means and methods for the peaceful settlement of disputes between States, and in the light of the comments in paragraph 33 of the report, he reaffirmed his delegation's view that, while resort to the International Court of Justice should be encouraged, it should not be given priority over other means. It should be noted, for example, that in 1991 the Governments of Argentina and Chile had agreed to establish a court of arbitration for the purpose of settling some border disputes. Another dispute between the two Governments had also been successfully resolved through mediation.

20. His delegation considered that it was of the utmost importance for States to comply with the obligation to settle disputes peacefully. It was the prerogative of the parties involved to determine which of the judicial and non-judicial means available to them in international law was most appropriate for settling their differences. Accordingly, the Decade should focus on encouraging States to use any and all means of peaceful settlement and on facilitating their access thereto. In that connection, he urged the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to consider the draft conciliation rules proposed by Guatemala.

21. As to the encouragement of the progressive development of international law, a number of recent events, such as accidents at nuclear reactors, petroleum spills on the high seas and the use of the environment in armed conflicts, highlighted the need for the international community to identify principles and, where appropriate, to develop international rules for the protection of the environment.

(Mr. Gondra, Argentina)

22. While his delegation recognized the importance of the ratification of and strict compliance with conventions such as those concluded under the auspices of the International Maritime Organization and the International Atomic Energy Agency, it also believed that there was still room for exploration and development in connection with the international protection of the environment. Accordingly, the United Nations Conference on Environment and Development deserved support, as did the negotiations begun in 1991 with a view to the adoption of agreements on climate change and biodiversity.

23. His delegation noted with satisfaction the practical measures described in document A/46/372 for the promotion and dissemination of international law, particularly the plans to computerize information on the status of multilateral treaties, the resumption of the publication of the United Nations Juridical Yearbook and the proposed publication, in English and French, of the summaries of the judgments and advisory opinions of the International Court of Justice dating back to 1949.

24. Some delegations had voiced concerns and made suggestions which were mentioned in the report of the Working Group (A/C.6/46/L.8). His delegation believed that the implementation of those suggestions could greatly facilitate the work of many permanent missions and of the ministries of legal affairs of Member States; accordingly, they should be examined in greater detail.

25. Mr. GARRO (Peru) said that, in making the acceptance of and respect for the principles of international law the first objective of the Decade, the General Assembly had underscored its conviction that, more than ever before, international law constituted the primary means of interrelationship between States. His delegation firmly supported the proposals in that regard which had been included in the programme of the Decade.

26. The promotion of means and methods for the peaceful settlement of disputes was also a central objective. The activities to be undertaken in that connection should focus on creating an international climate which encouraged resort to the mechanisms of peaceful settlement mentioned in Article 33, paragraph 1, of the Charter of the United Nations, or to any means which might have been developed in specific cases. Respect for the principle of free choice should always be guaranteed.

27. Some delegations had referred to environmental law as an area which was especially conducive to the progressive development of international law. However, his delegation reaffirmed its view that development and international economic cooperation should play a central role in the elaboration of a framework of more just and stable international relations, and that those items should be the subject of careful consideration with regard to the future programmes of the Decade.

28. Lastly, the promotion and dissemination of international law was an area in which major progress could and should be made. However, such progress was

(Mr. Garro, Peru)

possible only to the extent that international cooperation on behalf of countries with scarce resources could be strengthened. Non-governmental organizations could play a significant role in that regard.

29. The contemporary international situation created both hopeful and dangerous prospects. The disappearance of ideological conflict, the concentration of power in the hands of a small group of States, the persistence and the exacerbation of poverty among vast sectors of the world's population and the intensification of ethnic and nationalist rivalries meant that the 1990s would be filled with both possibilities and risks.

30. The manner in which such challenges would be confronted depended, to a large extent, on the success of the international order which was just beginning to emerge. It was to be expected that the legal structure of the post-cold war era would be perceived differently by various States. His delegation shared the view of the Secretary-General that any interpretation of international law which corresponded to the interests of one group of States but was viewed with suspicion by other States could not contribute to the development of international law. That view should guide the international community's long-term perspectives on the Decade as well as the choice of its future activities.

31. Mr. BOREL (Observer, International Committee of the Red Cross) said that the International Committee of the Red Cross (ICRC) supported the objectives of the Decade, in the conviction that greater respect for international law would strengthen protection of and assistance to war victims and facilitate the settlement of certain conflicts.

32. Referring to the promotion of international humanitarian law, he said that one of the recommended measures for promoting multilateral treaties was the periodic publication of the status of ratifications of and additions to them and, in that context, the report of the Secretary-General on the status of the Protocols Additional to the Geneva Conventions of 1949, was to be commended. Despite constant progress, efforts needed to be made to promote the two additional Protocols, which, inter alia, significantly strengthened the protection of civilian populations. In addition, the large number of internal armed conflicts conferred particular importance on Protocol II. In the context of the Decade, ICRC wished to invite those States which had entered reservations to the 1949 Conventions to reconsider their decisions. In particular, the reservations made in respect of article 85 of the Convention relative to the Treatment of Prisoners of War, aimed at preventing the extension of the application of that Convention to prisoners of war prosecuted for acts committed prior to capture, merited such reconsideration.

33. On the question of the implementation of international humanitarian law, ICRC was of the opinion that the international community should concentrate, as a matter of priority, on respect for and implementation of existing humanitarian laws. The concept of respect also covered the duty to adopt, in

(Mr. Borel)

peace time, domestic measures capable of permitting respect in times of conflict. States should therefore take all necessary measures at the legal and practical levels to incorporate the provisions of the treaties into their domestic legal order. The obligation to ensure respect for humanitarian law imposed on the community of States Parties to the Conventions and the Protocols Additional thereto a joint responsibility for the application of the law in all armed conflicts. Governments that were not parties to a conflict must accordingly react to all serious violations of humanitarian law and avoid complicity through inaction.

34. With respect to the procedures for associating States more systematically with efforts aimed at the implementation of international humanitarian law, ICRC would seek to facilitate the task of States in their domestic legislation by affording them access to a documentation centre which would include a computerized data bank, organizing regional seminars, drawing up model legislation, and promoting cooperation among States with similar legal systems. In addition, the competent services of ICRC were always available to provide advice or information.

35. Given the undoubted importance of an effective verification procedure to the better application of international law, an International Fact-Finding Commission had been established as of 25 June 1991 pursuant to article 90 of Additional Protocol I. The task of the Commission was to inquire into any facts alleged to be a grave breach of international humanitarian law, without ruling on the law or passing judgement. It also had the task of facilitating, through its good offices, the restoration of respect for the law. In comparison to the inquiry mechanism provided for in the Geneva Conventions, the Commission offered the advantage of permanency, thereby avoiding the difficulties inherent in establishing an inquiry mechanism while a conflict was under way. Twenty-three States had recognized in advance the competence of the Commission and ICRC urged those States bound by Additional Protocol I, which had not yet done so, to join them.

36. The question of respect for international humanitarian law by United Nations peace-keeping forces, whose presence in the field was increasing and which were sometimes called on to use force to defend themselves, was also a pertinent one. In that connection, ICRC welcomed the efforts made by the United Nations in providing for the inclusion of a clause on respect for international humanitarian law in the documents signed by States providing contingents to peace-keeping forces.

37. Turning to the question of the progressive development of international humanitarian law, ICRC was of the view that the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons illustrated the complementarity of the initiatives taken within the International Red Cross and Red Crescent Movement and the efforts of the United Nations. Such complementarity was basic to the preservation of the existing level of protection, particularly in interrelated areas of international law where overlapping occurred.

(Mr. Borel)

38. It was important to ensure that new normative developments should not weaken the legal guarantees or the forms of institutional protection that already existed. Consequently, while emphasizing the implementation of and respect for existing law, ICRC was undertaking studies which could lead to normative developments in a number of areas, including participation in several expert meetings on the law of armed conflicts at sea and on international law governing certain conventional weapons which might be deemed to be excessively injurious or to have indiscriminate effects. ICRC had also convened a conference of experts to revise the technical annex to Protocol I, concerning identification. Lastly, ICRC had expressed its readiness to convene a group of experts to study the question of the protection of the environment in times of armed conflict by examining the content, limitations and possible weaknesses of existing treaties. ICRC intended to submit proposals to the twenty-sixth International Conference of the Red Cross and Red Crescent with regard to those areas of possible developments in international humanitarian law.

39. Turning to the subject of the encouragement of the teaching, study, dissemination and wider appreciation of international humanitarian law, he noted that, while dissemination was primarily an obligation of States, ICRC also had a statutory responsibility in that area. Over the previous 15 years or so, its efforts to encourage dissemination had taken the form of identifying and establishing dissemination methods, which were published regularly in a specialized review; the training of disseminators to convey the universal message of humanity in the language of their culture; the publication of popularizing texts, as well as legal works and technical manuals; the production of films; and the design of practical tools, such as plastic-coated cards showing the basic rules of conduct for combatants. Particular emphasis was placed on the armed forces, which were responsible for applying the rules and which also benefited from their application.

40. In the area of the teaching of human rights, which was associated with the teaching of humanitarian law, ICRC had been cooperating for a number of years with the United Nations Centre for Human Rights, and had participated in the annual UNITAR course at The Hague Academy of International Law. Academic circles provided an ideal environment for the training of disseminators and ICRC was accordingly seeking to organize seminars for professors and students, such as the course organized each summer in Warsaw jointly with the Polish Red Cross. Ad hoc courses were also organized in diplomatic academies and national study institutes. Journalists too were of special importance because of the impact they had on mobilizing public support on humanitarian issues and ICRC had also organized a number of seminars for them.

41. International humanitarian law called for unceasing attention and there was an urgent need for combined efforts on the part of the members of the international community to promote the relevant values and norms in order to ensure that they were not only formally accepted but also understood in terms of their universal essence. In contributing to respect for international

(Mr. Borel)

humanitarian law, ICRC was defending the intrinsic value of such norms while at the same time making a modest contribution to the main objective of the Decade, which was to substitute law for violence in international relations.

AGENDA ITEM 124: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW (A/46/372 (chap. II D), A/46/610 and Corr.1)

42. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel) introducing the report of the Secretary-General (A/46/610 and Corr.1), said that paragraph 22 of section I reflected the fact that during 1990-1991, the Codification Division of the Office of Legal Affairs, in cooperation with the missions of Member States in New York, had prepared the Handbook on the peaceful settlement of disputes between States, which had been approved and recommended for publication by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its 1991 session. During the same biennium, the Codification Division had completed the publication in all official languages of the fourth updated version of the book The International Law Commission, which contained inter alia the texts of multilateral conventions and drafts originating in the Commission's work.

43. Paragraphs 70 and 71 of the report contained a succinct account of the efforts undertaken by the Secretariat during the past biennium and to be pursued during the next to reduce as much as possible the backlogs of the Treaty Series and the United Nations Juridical Yearbook. Paragraphs 75 to 89 contained the conclusions of the United Nations Secretariat regarding alternative means of publishing the judgments and advisory opinions of the International Court of Justice in the other official languages of the Organization in addition to English and French.

44. With respect to section II, in formulating guidelines for the execution of the Programme in the biennium 1992-1993 within the framework of the United Nations Decade of International Law, account had been taken of the fact that the resolutions concerning the Decade did not provide new budgetary resources for the teaching, study, dissemination and wider appreciation of international law, but relied instead on financing such activities from the existing overall level of appropriations and voluntary contributions from States. Therefore, new activities should be undertaken only if the overall level of appropriations and voluntary contributions from States made them possible.

45. Section IV of the report set out the administrative and financial implications of United Nations participation in the Programme. A specific appropriation of \$305,100 had been included in the regular budget for 1990-1991 with a view to financing a minimum of 15 fellowships a year under the International Law Fellowship Programme, as well as the cost of travel grants for participants in the regional seminars and refresher courses organized by UNITAR. A comparable amount (\$316,000) had been included in the proposed budget for the biennium 1992-1993 for the same purpose.

(Mr. Kleischhauer)

46. It should be noted in that connection that voluntary contributions were governed by the principle that States, organizations and individuals could freely choose the component of the Programme to which they wished their respective contributions to be applied; that they did so choose was evident from paragraphs 152 to 156 of the report.

47. Section V concerned matters related to the present and future membership of the Advisory Committee on the Programme as well as summaries of the meetings held by the Advisory Committee during the past biennium. In that connection, he urged the various regional groups to present their candidates for membership in the Advisory Committee for the term of office beginning 1 January 1992.

48. Mr. Sandoval (Ecuador), Vice-Chairman, took the Chair.

49. Mr. MONTES de OCA (Mexico) said that the report of the Secretary-General (A/46/610) provided information on the various activities undertaken in an area which was one of great interest to the members of the Committee. Mexico supported the recommendation of the Advisory Committee that its membership should be increased to permit it to more effectively discharge its mandate "to formulate relevant guidelines for the Programme's activities and to report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines" (General Assembly resolution 45/40, annex, IV.1). In the view of his delegation, that special responsibility gave the Advisory Committee a proactive role, without taking away its traditional functions.

50. His delegation wished to thank the Governments and voluntary contributors, which had provided fellowships to enable participants from developing countries to attend the international law seminars at Geneva.

51. The internships in the Office of Legal Affairs offered possibilities for cooperation with regard to training between the Office and members of permanent missions to the United Nations and could enable the staff of missions to familiarize themselves with the Organization's methods of work and to make better use of the excellent service offered by the legal branch of the library. His delegation considered that selected members of the Advisory Committee on the Programme could compile, under the guidance of the Codification Division or of UNITAR, updated information and precedents in international law of relevance to the topics to be considered by the Sixth Committee during the forty-seventh session of the General Assembly. Such information would be of great use to many delegations, particularly to their new members; it could be provided a few days prior to the commencement of the Sixth Committee's work and throughout the session, with a view to standardizing as far as possible the familiarity of delegations with each item and with the Committee's methods of work. Such a service could be provided on an experimental basis during the forty-seventh session to supplement the information provided in the annotated agenda, thereby enriching the debates,

(Mr. Montes de Oca, Mexico)

enhancing the effectiveness of the Committee's work and making better use of the Organization's resources.

52. His delegation wished to express appreciation to the Codification Division, to UNCITRAL and to the Office for Ocean Affairs and the Law of the Sea for the organization of seminars and the preparation and publication of studies in their respective fields. The Office for Ocean Affairs and the Law of the Sea, in its view, could make a further contribution by preparing a glossary of basic terms, elaborating curricula for university training, and possibly compiling graphic material that was crucial to training in the law of the sea. His delegation also hoped that the Treaty Series would benefit from dissemination by modern computerized techniques, which would resolve the problem of the inadequacy of incomplete collections. It was gratified that, as noted in paragraph 89 of the report, 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 International Court of Justice (1949-1990), as provided by the Court's Registry. It was regrettable, however, that it would not be possible at the current stage to translate and publish the complete judgments and opinions of the Court in the manner requested.

53. Lastly, his delegation wished to thank UNESCO for its numerous publications, including a handbook on international law, International law: achievements and prospects. UNESCO had stated that, while the translation of the handbook into Spanish was not envisaged, a request for such translation would stand a better chance of receiving favourable consideration if it was submitted on a regional basis. His delegation, together with those of Colombia, Costa Rica, Ecuador, Spain, Uruguay, and Venezuela, therefore wished to request jointly that the Programme should communicate to UNESCO a formal request for such a translation to be prepared.

54. Mr. ALVAREZ (Uruguay) said that his delegation found the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to be one of the most important instruments for the development of that branch of law within the United Nations, particularly at the beginning of the second year of the United Nations Decade of International Law, whose programme emphasized, in chapter IV, the need to encourage by all available means a broad awareness of international law, which formed the backbone of international relations. Respect for the rule of law was essential to the harmonious coordination of the community of States and to the proper functioning of the United Nations.

55. With respect to the suggested publication of analytical summaries of the judgments and advisory opinions of the International Court of Justice, mentioned in paragraph 86 of the report (A/46/610), his delegation considered that such summaries would be useful and should be widely distributed to all Member States so as to bring the decisions of the Court to the attention of many public and private institutions.

(Mr. Alvarez, Uruguay)

56. With reference to the fellowship grants mentioned in paragraph 159 of the report, his delegation would like to suggest a study of the comparative advantages of increasing the number of fellowship grants and organizing national courses in the various regions. Such courses, as Uruguay could attest, would reach a very wide audience in the countries involved, at very little cost to them and with cost-effective results.

57. His delegation suggested that the membership of the Advisory Committee on the Programme should be increased, in view of the interest it had generated. Similarly, the current item should perhaps be reviewed annually during the Decade of International Law.

58. Uruguay had enthusiastically adopted the objectives of the Decade and had taken related action in a number of areas. With regard to promotion of the acceptance of and respect for the principles of international law, and encouragement of the progressive development of such law and its codification, the responsible national committee had determined that it could contribute in two ways: the reactivation of procedures for approval of multilateral treaties signed by Uruguay and promotion of the conclusion of new treaties, particularly on legal relations between the States that would be parties to MERCOSUR, which were interested in legal cooperation at all levels. With respect to encouragement of the teaching, study, dissemination and wider appreciation of international law, it had been decided that each participating body would draw up detailed lists of activities for the stages of the Decade so as to develop a national programme of activities by 1992. Among other ideas, it had been suggested that knowledge of international law should be disseminated beyond the universities, for instance to secondary schools, teachers' colleges, institutes of communications sciences, and so on. It had also been suggested first, that Decade-related material should be distributed to the national press with a view, *inter alia*, to familiarizing journalists with the important role played by international law in international relations, and second, that symposia, seminars and lectures should be organized, not just nationally but also internationally, with the support of all the institutions participating in the programme. It was likewise suggested that consideration should be given to the possibility of founding international law libraries as suggested in the programme.

59. The national committee had also proposed that the various Uruguayan missions in the region should be consulted with a view to fostering contacts with similar bodies in other countries and coordinating activities relating to the programme.

60. Ms. TUNKU RUS (Malaysia) said that the world was entering what might turn out to be a very positive phase of cooperation among States, with the United Nations playing a central role. There was a genuine desire by Member States to adhere to the rule of law, and given proper and equitable preparations, the world might be on the threshold of a new era. Member States must seize the opportunity to turn the new dynamics for cooperation to their advantage and work towards achieving long-term global peace and stability.

(Ms. Tunku Rus, Malaysia)

61. The report of the Secretary-General (A/46/610) was illuminating, but the activities conducted under the Programme fell short of the actual needs and requirements of Member States, particularly the developing countries, which lacked expertise in international law. Although the activities were commendable, they had benefited only a few countries.
62. The lack of funds was a major constraint on the Programme's activities. There was therefore an urgent need to seek more funds for the Programme. Her delegation acknowledged that sources of funds were limited, but felt that the main donors would do well to consider an additional contribution to the Programme as part of their multilateral development assistance. If developing countries lacked an in-depth understanding and appreciation of international law, the ongoing exercise of codifying the different regimes of international law would not have the maximum impact on the vast majority of mankind.
63. Her delegation would like to propose that the Secretary-General should take steps towards the establishment of a trust fund for the Programme similar to that established for the International Court of Justice. Member States and other bodies whose interests were served by the Programme, such as foundations, educational institutions and multinational corporations, might contribute to it. The current dependence on ad hoc contributions for the implementation of some activities limited the scope of the Programme. A trust fund for the Programme could effectively contribute to the success of the United Nations Decade of International Law.
64. With regard to section V of the report, her delegation supported the recommendation of the Advisory Committee that its membership should be increased, and hoped that there would be a consensus resolution of the matter in keeping with the spirit of cooperation and understanding that had characterized the Sixth Committee.
65. In conclusion, her delegation wished to reiterate that in view of the unprecedented interest of Member States in respecting and promoting international law, the time was right for enhancing the Programme's activities. Investment in the Programme would help to prepare a solid foundation for a better world for future generations based on the rule of law.
66. Mr. Afonso (Mozambique) resumed the Chair.
67. Mr. ABRAHAMSEN (Denmark) said his Government considered that the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was of the utmost importance, particularly during the Decade. For a number of years Denmark had made a voluntary contribution to cover the costs of the participation of representatives from developing countries in the International Law Seminar and in 1991 it had contributed 30,000 Danish kroner for that purpose. Since only eight other Governments had made similar contributions in 1991, his Government appealed to other Governments to consider contributing in the future towards

(Mr. Abrahamsen, Denmark)

the costs of the participation of representatives from developing countries in the International Law Seminar as a concrete way of promoting the Decade of International Law.

68. Mr. MIRZAEI YENGEJEH (Islamic Republic of Iran) said that his delegation had no difficulty in accepting the proposed programme for the next two years of activity of the United Nations Programme of Assistance in the Teaching, Study Dissemination and Wider appreciation of International Law since it was substantially similar to the previous programme and the main activities had proven useful to the purpose under consideration.

69. Paragraph 186 of the report of the Secretary-General (A/46/610) referred to the usefulness of the Programme for developing countries; he recalled that both General Assembly resolution 44/23 and the programme of activities for the first term of the United Nations Decade of International Law attributed great importance to the areas of the teaching, study, dissemination and wider appreciation of international law.

70. Since the successful implementation of new sessions of the Geneva International Law Seminar, the granting of additional fellowships in the United Nations-UNITAR Fellowship Programme in International Law as well as other possible activities mentioned in paragraph 140 of the report all depended on the availability of voluntary contributions, he appealed once more to States, individuals and institutions to provide financial assistance to the Trust Fund.

71. The holding of international law seminars at the regional and national levels was of great importance for the teaching and dissemination of international law and could reach wide audiences; his delegation strongly recommended the expansion of such seminars in future years with the assistance of United Nations organs and regional organizations such as the Asian-African Legal Consultative Committee.

72. His delegation welcomed the expansion of UNCITRAL's activities in the field of training and assistance, which was of great importance to developing countries, and the plans of the secretariat to increase the programme of country seminars, especially for developing countries (para. 56). It supported the idea of organizing a congress of international trade law in the context of UNCITRAL's twenty-fifth session and expected that experts from all major legal systems, as well as from various geographical regions, would be invited to present papers to the congress.

73. His delegation was glad that copies of United Nations legal publications would continue to be provided to the institutions in developing countries that had received such publications in the past (para. 138) and urged that similar treatment should be extended to other developing countries at their request.

(Mr. Mirzaee Yengejeh, Islamic
Republic of Iran)

74. It supported the view that the membership of the Advisory Committee should be increased, for the reasons mentioned in paragraph 199 of the report. The current membership did not reflect the criteria of equitable geographical distribution and equitable representation of the group of States that most benefited from the Programme of Assistance. The expansion of membership could pave the way for increased and broader based contributions to the Trust Fund and bring in new ideas and opportunities that would enrich the Programme.

The meeting rose at 5.15 p.m.