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SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. AFONSO (Mozambique)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 127: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)
(A/46/79, A/46/317-S/22823, A/46/335, 372, 383 and Add.1 and 587; A/C.6/46/4;
A/C.6/46/L.8)

1. Mr. MONTES DE OCA (Mexico) said that the observance of international law was a central theme of the Guadalajara Declaration issued by the Heads of State and Government of the Latin American countries, Portugal and Spain, at the conclusion of the first Ibero-American summit (A/46/317). At the national level, Mexico had established a committee of the United Nations Decade of International Law, in accordance with the programme for the Decade and with Economic and Social Council resolution 1988/63; the Committee had four subcommittees, corresponding to the four objectives of the Decade. Coordination between the legal office of the Ministry of Foreign Affairs of Mexico and the academic community, lawyers, public officials from other ministries and the judiciary was under way with a view to encouraging the participation of those sectors in the study of various subjects under consideration in bilateral or multilateral forums and in the negotiation of treaties.

2. His delegation greatly appreciated the informal meetings which had been held by legal advisers from ministries of foreign affairs of Member States of the United Nations; legal advisers, who were in daily contact with national legislation and international law, could provide valuable service to the development of law and the coordination of actions and positions in relevant multilateral forums in the context of the Decade.

3. In accordance with Article 102 of the Charter and with the assistance of the Treaty Section of the Office of Legal Affairs of the United Nations, Mexico had undertaken a broad training programme on the treaty registration process. Having completed that exercise, however, it doubted whether it would be possible for most States to follow its example. An advisory office could perhaps be established to encourage and guide ministries of foreign affairs in fulfilling the obligation imposed by Article 102. In view of the increase in the number of users of treaty registration and information services, the Secretariat should indicate the way in which, in the light of technological innovations, the requirements of Article 102 could be met. It was encouraging to note from the report of the Working Group (A/C.6/46/L.8) that data relating to the status of multilateral treaties was to be transferred to modern software. As to national dissemination, the Ministry of Foreign Affairs of Mexico was considering the possibility of making available to the public a document, previously of restricted circulation, containing a list of the bilateral and multilateral treaties and executive agreements which were in force for Mexico. Mexico was also interested in disseminating at the national level the international treaties deposited with the Secretary-General. Since there was no list in Spanish of the titles of those treaties, his delegation suggested that a multilingual list of those titles should be published.

(Mr. Montes de Oca, Mexico)

Assistance could be offered to States which, because of economic or bureaucratic limitations, had difficulty in ratifying treaties they supported.

4. At the 44th plenary meeting on 8 November 1991, when the Assembly had been considering the report of the International Court of Justice, the Secretary-General had made a statement containing an illuminating explanation of his suggestion that he should be authorized to seek advisory opinions from the International Court of Justice, under carefully predetermined conditions; that statement should be widely circulated to assist Governments. Relevant parts of statements made by representatives of States and individuals with specialized knowledge of the subject could also be assembled and distributed to interested parties, particularly States.

5. His delegation felt that the theme "encouragement of the teaching, study, dissemination and wider appreciation of international law" fell within the context of another item on the Committee's agenda, the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (item 126). That Programme had years of experience in the matter. During the Decade, that Programme was to be considered by the Committee annually, and the same periodicity should be retained after the Decade was over.

6. Mr. LISWANISO (Namibia) said that his Government's commitment to the maintenance of international peace and security was embodied in Namibia's Constitution. It was in the context of that commitment that Namibia, immediately after achieving independence, had become a member of the International Atomic Energy Agency, and had recently decided to accede to the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with the desire of the Organization of African Unity to ensure that Africa was a nuclear-free zone. It was also considering accession to a number of other existing international conventions.

7. The prominent role played by international law in the decolonization of Namibia could not be overemphasized. For example, in 1966 Liberia and Ethiopia had challenged South Africa's mandate over Namibia at the International Court of Justice, although the Court had decided that the two countries did not have the right to bring the case to the Court. Subsequently, however, the Court had rendered an advisory opinion declaring South Africa's continued presence in Namibia illegal. In 1978, the Security Council had adopted its resolution 435, which had become the internationally accepted plan for the country's independence.

8. The need for States to settle their disputes peacefully, and the role which international law could play in maintaining international peace and security, acquired special importance in the light of an issue which remained of the utmost importance to his delegation, namely that of Walvis Bay and the off-shore islands. The Namibian and South African Governments had commenced negotiations on the reintegration of Walvis Bay and the off-shore islands into

(Mr. Liswaniso, Namibia)

the rest of Namibia on the basis of Security Council resolution 432 (1978). Pending a final solution of the matter, the two Governments had agreed to establish a joint administration for Walvis Bay as an interim measure. To that effect, it had been decided to establish a joint technical committee to advise the two Governments on the functions and structures of such a joint administration. It had also been decided to appoint a joint technical committee to make recommendations on the demarcation of the boundary between the two countries in the middle of the Orange River, in accordance with the principles of international law. South Africa's continued occupation of Walvis Bay and the off-shore islands was an infringement of Namibia's territorial integrity, and hindered his country's development efforts. He therefore called on the international community to ensure that South Africa negotiated in good faith and without undue delay.

9. With regard to the encouragement of the teaching, study, dissemination and wider appreciation of international law, his Government faced enormous challenges in restructuring its educational system, which would include the teaching of international law, a subject which had not been permitted in schools and colleges by the colonial authorities. The Government had itself been conducting law seminars and symposiums since independence, with training and restructuring of the Namibian court system in mind. The holding of such seminars and symposia should be encouraged during the Decade of International Law, since they enabled government legal advisers to deepen their knowledge of international law and strengthened links of friendship and cooperation among countries.

10. Mr. VOICU (Romania) welcomed the increasing interest of Member States in the implementation of the programme for the activities to be commenced during the first term (1990-1992) of the Decade. His country had provided the Secretary-General with a summary description of the specific activities which had taken place in Romania in connection with the Decade. The main such activity had been the drafting of the new Constitution, which was currently at an advanced stage. The draft Constitution stated that Romania maintained and developed with all States peaceful and good-neighbourly relations based on the generally accepted principles and norms of international law. It undertook to carry out fully and faithfully the obligations placed on it by the treaties to which it was a party. Consequently, treaties which Romania had ratified or acceded to in accordance with the law became part of Romanian domestic law. The provisions concerning the rights and freedoms of Romanian citizens would be interpreted and applied in accordance with the Universal Declaration of Human Rights and the other covenants and treaties to which Romania was a party. In the event of a conflict between such agreements and domestic law, priority would be given in every case to the international regulations.

11. During the period 1990-1991, Romania had become a party to a great number of international treaties in many different fields, including the Protocols Additional to the Geneva Conventions of 1949, the International Convention against the Taking of Hostages, and the Convention on the Rights of the

(Mr. Voicu, Romania)

Child. His country had also taken a new position on the use of jurisdictional means to seek a peaceful solution to disputes between States and had begun withdrawing the reservations it had made when signing or ratifying international treaties that stipulated recognition of the compulsory jurisdiction of the International Court of Justice. Such reservations had been withdrawn with respect to a number of treaties, including the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Political Rights of Women.

12. His delegation welcomed the view, expressed in the report of the Working Group on the Decade (A/C.6/46/L.8, para. 7), that it might be useful to present information on the status of ratifications of and accessions to multilateral treaties deposited with the Secretary-General in such a way as to indicate also the participation of each State in those conventions. It also supported the suggestion that the United Nations should publish similar information on multilateral treaties deposited with other international organizations or States (ibid.).

13. With regard to the encouragement of the progressive development of international law and its codification, his delegation believed that the development of new legal instruments would speed up during the Decade with the completion of the main drafts on which the International Law Commission and UNCITRAL were currently working. In that respect, it supported the proposal made by the Netherlands, on behalf of the European Community, concerning the international legal regulation of questions related to the environment and the protection thereof. Romania also supported the proposal to convene a Congress on international trade law in 1992.

14. Since the Decade of International Law covered the same period as the International Decade for Natural Disaster Reduction, proper coordination of the activities undertaken under the programmes of the two Decades would contribute to the development of international humanitarian law.

15. His delegation supported the General Assembly's recommendations on the acceleration of the ratification of the legal instruments adopted by the United Nations in the field of public and private international law. Special emphasis should be placed on legal instruments relating to the social and humanitarian sphere and to fundamental human rights and freedoms.

16. On the question of preventive diplomacy, Romania considered that the forthcoming adoption of the draft Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security would encourage United Nations bodies to contribute more actively to the development of preventive diplomacy.

17. It was vitally important, in his delegation's view, to encourage the teaching, study, dissemination and wider appreciation of international law with a view to ensuring general respect for its principles and norms. In

(Mr. Voicu, Romania)

Romania, legal studies and research were currently going through a phase of adaptation aimed at reflecting the objectives of the Decade. In 1990-1991, government institutions, in conjunction with non-governmental associations, had organized three series of lectures on international humanitarian law and on human rights and his delegation would like to express its appreciation to the non-governmental organizations which had convened scientific gatherings devoted specifically to the implementation of the programme for the Decade. Their conclusions were valuable for future work at the national and international levels. At the national level, in 1990 and 1991, a number of Romanian non-governmental organizations, including the Association of International Law and International Relations and the United Nations Association of Romania, had sponsored activities such as seminars, round tables and meetings for scientific communications. Lastly, the Romanian Institute for Human Rights had been established and its activities placed under the auspices of Parliament.

18. In 1991, 50 years after the death of the well-known Romanian diplomat and lawyer, Nicolae Titulescu, the European Foundation "Nicolae Titulescu" had been established in Romania. The Foundation aimed to develop and disseminate the legal thinking of Nicolae Titulescu and its first action had been to organize in July 1991 the first in a series of summer courses for young diplomats. His delegation believed that the Decade should also be used to promote awareness of the legal traditions and contributions of different nations and of personalities, such as Nicolae Titulescu, who had played an active and fruitful role in the codification and progressive development of international law. Nicolae Titulescu had declared that it was only when politics, and law became one and the same and when the imperative of the law was accepted as part and parcel of freedom, that mankind could be saved.

19. In accordance with the recommendations of the programme for the activities to be commenced during the first term of the Decade, a National Committee for the Decade had been created in Romania, under the presidency of the Minister for Foreign Affairs, to coordinate activities throughout the Decade. The Committee comprised representatives of Parliament, the Ministry of Justice, and the academic community. His delegation hoped that it would be able to report to the Committee in 1992 on the activities undertaken under the guidance of the National Committee. It remained convinced that the successful implementation of the aims of the Decade would be a significant step towards establishing the primacy of international law in relations between States.

20. Mr. SEVILLA (Nicaragua) said that his Government had welcomed the declaration of the period 1990-1999 as the United Nations Decade of International Law; respect for and promotion of international law were fundamental pillars of Nicaragua's foreign policy. All Member States must make efforts to improve the resources available to international law for the peaceful settlement of disputes between States, and in particular to strengthen the International Court of Justice. The attainment of the objectives of the Decade would facilitate the resolution of conflicts or

(Mr. Sevilla, Nicaragua)

disputes in various parts of the world and thus contribute to the consolidation of world peace and the promotion of democracy and development.

21. Over the past year Nicaragua had ratified the Convention on the Rights of the Child. It had recognized the compulsory jurisdiction of the Inter-American Court of Human Rights and had concluded a headquarters agreement for a Central American tourism office which was to be established in Nicaragua. Nicaragua believed that it was important for States to incorporate international law as part of domestic law and to ensure that it was applied by their courts. The Political Constitution of Nicaragua, in article 46, established that all persons in the national territory enjoyed to the full the rights laid down in the various instruments adopted at the world and regional levels; the various conventions, covenants and declarations were listed in that text.

22. Ecological problems were critical for the future of the planet; States must redouble their efforts to adopt international regulations in respect of the environment and its impact on development. With regard to part II of the programme, set forth in the annex to General Assembly resolution 45/40, Nicaragua reiterated its view that disputes between States must be settled in a peaceful and negotiated manner. The strengthening of the international Court of Justice should be one of the most important activities of the Decade, bearing in mind that international justice was based on the consent of States. Nicaragua endorsed the view that the submission of cases to the Court must be encouraged so that international law would be regarded as routinely applicable in international society and not as a procedure resorted to only in cases of crisis or serious conflicts.

23. His delegation's views on the Decade had been outlined in document A/45/430/Add.2. It believed that the question of an international convention on the peaceful settlement of disputes among States should be considered by the Sixth Committee and the International Law Commission so that a convention could enter into force before the end of the Decade. It also felt that the United Nations University, the University for Peace and other similar institutions should promote activities at the regional, subregional and national levels to help identify potential international trouble spots and to apply the most appropriate procedures and mechanisms for resolving disputes by peaceful means. The progressive development and codification of international law must be actively promoted during the Decade. The United Nations should sponsor conferences, meetings and seminars on international law at the regional, subregional and national levels so as to promote awareness of the importance of law in general and international law in particular.

24. In connection with part IV Nicaragua in October 1991 had held an important seminar on international relations which had emphasized the importance of the dissemination of international law, especially in order to facilitate the signing of bilateral and multilateral agreements involving the initiative of the Americas and cooperation with the European Community. In

(Mr. Sevilla, Nicaragua)

view of the importance of humanitarian questions in Nicaragua as a result of the upheavals during the 1980s, the International Committee of the Red Cross had held a course on international humanitarian law for police and prison authorities, sponsored by the Nicaraguan Government. In Nicaragua, the Central American University organized programmes relating to human rights in cooperation with the Institute of Ibero-American Cooperation and the Complutense University of Madrid. A chair of international humanitarian law had been established and a cooperation agreement had been signed with the Inter-American Institute of Human Rights. A Nicaraguan Committee for the United Nations Decade of International Law would soon be established. Advanced courses in international law were given at Nicaraguan universities, and a new university was expected to be established in 1992 which would offer a course of studies leading to a degree in human rights. New school textbooks included information on the Convention on the Rights of the Child and about human rights and international and regional agreements on the subject. That education would help improve Nicaraguan society and democratic institutions and abolish for all time the culture of violence.

25. The President of Nicaragua, along with other Presidents from Central America, had signed the 1990 Declaration of Puntarenas which referred, *inter alia*, to the conclusion of international conventions on the environment and to the full implementation of human rights. In the Declaration of Antigua, Guatemala, of June 1990, the Central American Presidents had reiterated their desire to establish mechanisms for the peaceful settlement of disputes among States of the region and in the Declaration of San Salvador of July 1991, they had agreed on the need for effective application of international law. The Guadalajara Declaration, adopted at the first Ibero-American summit in July 1991 stressed the importance of strict adherence to the basic rules of international law and of the progressive development of law in new areas as a result of the processes of integration and globalization (A/46/317, para. 23).

26. Mr. VAN DE VELDE (Netherlands) said the events of the past twelve months had shown that many issues covered by the Decade of International Law were of the utmost importance to the proper functioning of the United Nations in maintaining international peace and security. First and foremost in that respect was the peaceful settlement of disputes between States. Replies from Member States and international organizations in connection with the Decade had indicated that it would be preferable to review and strengthen existing institutions and mechanisms for the peaceful settlement of disputes, on both a world-wide and a regional level, rather than to introduce new texts, instruments or mechanisms.

27. The International Court of Justice, the principle judicial body of the United Nations, could contribute to the success of the Decade in more ways than one. The Court was not only of eminent importance with respect to the peaceful settlement of disputes between States, but also played a major role in the process of determining and forming positive international law, as reflected in its decisions and advisory opinions, which constituted an

(Mr. Van De Velde, Netherlands)

important source of international law and were basic materials for those working in that field. His country noted with satisfaction that the number of States accepting the Court's compulsory jurisdiction was growing. It was, however, regrettable that there remained many countries unable to do so. His delegation would be interested in seeking the views of other Member States on factors and difficulties they encountered when considering recognizing the jurisdiction of the Court on a compulsory basis or, alternatively, on an ad hoc basis. Such communications would then form the basis on which generally acceptable recommendations could be formulated for removing existing obstacles to recourse to the Court as part of the process of the peaceful settlement of disputes.

28. The Netherlands would also favour wider use of the advisory opinions provided by the Court at the request of those institutions competent to make such a request. According to Article 95 of the Charter of the United Nations, competence to request an advisory opinion was not limited to the General Assembly and the Security Council, and organs of the United Nations and specialized agencies authorized by the General Assembly could also do so. He hoped that such institutions would make full use of their right to make such requests when appropriate. His delegation agreed with the view that the Secretary-General should also be entrusted with competence to request advisory opinions, thus strengthening his role and contributing to a further development of international law.

29. The initiative of the Secretary-General in establishing a Trust Fund for the International Court of Justice was to be applauded. The Netherlands had decided to contribute 50,000 guilders to the Fund and hoped that additional contributions would be contemplated by States which were not already contributors.

30. His delegation expressed its support for strengthening the role of the Permanent Court of Arbitration. One possible way of enhancing the role of the Court would be to involve it in conciliation processes, either on the basis of its own procedures or, where appropriate, in connection with the application of rules of conciliation such as those introduced by Guatemala, which were currently under discussion in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and in the Sixth Committee.

31. An important factor in the peaceful settlement of disputes was the establishment of the relevant facts relating to a conflict, since a substantial degree of misunderstanding was often present. That could be remedied by recourse to fact-finding mechanisms, thereby increasing the possibility of a peaceful settlement. In that connection, he stressed the importance of the draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security.

(Mr. Van De Velde, Netherlands)

32. In addition to mechanisms and instruments for the peaceful settlement of disputes on a world-wide level, attention should also be paid to those operating at the regional level. In his delegation's opinion, it was often preferable to seek the solution of disputes through regional mechanisms, a principle recognized in Article 52 of the Charter. Reference could also be made to developments within the Conference on Security and Cooperation in Europe, the Council of Europe, the Organization of American States, the European Community and other international organizations. Within the Council of Europe his country had proposed that a publication should be prepared on State practice in the field of international law by the Council's member States. The publication should include a compilation of material reflecting the positions of the States concerned with regard to international legal relations and situations. Other regional organizations might consider a similar initiative. It also favoured the publication of a United Nations manual on international law. The Legal Counsel might be invited to present his views on the desirability of such an initiative and on the possibility that he might himself act as a coordinator in close cooperation with the secretariat of the Sixth Committee.

33. Another important subject which should receive ample attention during the Decade of International Law was the teaching, study, dissemination and wider appreciation of international law, since the participation of universities and other educational and academic institutions in the proposed activities of the Decade was of essential importance if the goals of the Decade were to be attained. In that connection, mention should be made of a special issue of the Leiden Journal of International Law devoted to the Decade and bearing the subtitle "Reflections on dispute-settlement". The Ministry of Foreign Affairs, in close cooperation with the Ministry of Education, was reviewing means and methods of promoting awareness of international law.

34. As he had pointed out earlier, his delegation was cautious in its approach to the creation of new legal obligations in fields where obligations already existed. If certain international instruments had attracted only a limited number of signatures, ratifications or accessions, the reasons for that situation should be determined. An exception could be made for new standards in fields where legal gaps existed, such as environmental law.

35. His delegation agreed with the view that the International Law Commission could make a vital contribution to the Decade by completing its work on the topics currently on its agenda. To do so, the Commission should have at its disposal procedures and working methods which would make it possible to respond rapidly and effectively to requests for advice. That might require intersessional activities and further modifications of working methods. Although caution should be exercised in the selection of new topics, his delegation was convinced that it was most important that the pressing needs of the international community in the last decade of the century should be taken into account. Possible new topics should be of a practical nature and susceptible of being dealt with over a few years.

(Mr. Van De Velde, Netherlands)

36. In conclusion, his delegation wished to re-emphasize its commitment to the goals of the Decade, and expressed the hope that substantial progress in implementing the programme of activities of the Decade would have been made by the Committee's next session.

37. Mr. KORZATCHENKO (Ukraine) said that adherence to the fundamental principles and norms of international law, and enhancement of their effectiveness, were a determining factor in establishing a new world order and peaceful relations between States on a basis of partnership.

38. At a time of major changes in the political life of Ukraine, and the gradual evolution of the Republic towards the establishment of a legally-constituted State, it was natural that his delegation should find itself in accord with the aims of the United Nations Decade of International Law, and that it should support the programme of action for the Decade, which was intended to strengthen the security of States and to ensure justice and the rule of law in international relations.

39. The Declaration on the State sovereignty of Ukraine adopted by the Parliament of the Republic also played its part in ensuring greater participation by Ukraine in achieving the aims of the Decade. In particular, Ukraine intended to participate actively as a full-fledged member of the international community in the pan-European process represented by the Conference on Security and Cooperation in Europe. The first steps in that direction had already been taken, and Ukraine hoped to activate the process after confirmation of the Act proclaiming the country's independence by means of the referendum to be held on 1 December 1991. In that connection, it was of the utmost importance to establish reliable machinery for implementing treaties concluded by Ukraine and to establish cooperation with the international human rights monitoring bodies: his country attached great significance to all human rights, which it believed constituted the cornerstone of a State based on the rule of law.

40. Ukraine was currently taking concrete measures to bring its domestic legislation into line with international norms and to ensure consistent compliance with obligations arising from international treaties and agreements to which it was a party.

41. Ukraine also supported efforts within the context of the Decade of International Law to enhance the procedures for peaceful settlement of disputes between States, including resort to the International Court of Justice and full compliance with its decisions. In that connection it believed that particular attention should be paid to the settlement of disputes relating to transboundary environmental pollution and measures to prevent it. Having experienced the tragedy of Chernobyl, Ukraine had a special interest in the progressive development and codification of international environmental law, and recognized the need to establish reliable safeguards for ecological human rights.

(Mr. Korzatchenko, Ukraine)

42. Ukraine took a serious interest in matters relating to the teaching, study and dissemination of international law and in the provision of assistance to developing countries whose citizens were studying in Ukraine. In that respect, a major role was played by the Ukrainian Institute of International Relations and International Law, which formed part of Kiev State University. Consideration was currently being given to opening an international information centre on human rights in Ukraine: that represented only one aspect of a broad proposed programme of cooperation with the United Nations.

43. Mrs. FLORES (Uruguay), speaking on behalf of the delegations of Bolivia, Brazil, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay and Venezuela, as well as her own, said that with regard to promotion of the acceptance of and respect for the principles of international law in the Latin American context, it would be useful to establish a data bank on multilateral and bilateral treaties to which governmental and non-governmental bodies and individuals would have access. There should also be periodic regional meetings to consider questions related to treaties so as to coordinate positions, eliminate objections to specific instruments and increase international legal cooperation. Publications on treaties in force in the various States could be exchanged. The Secretariat should publish a multilingual list of titles of treaties deposited with the Secretary-General. Groups of experts from regional bodies should be established to provide technical assistance in the process of formulating instruments. Publications on treaties in force should include a reference to the practice followed by States with regard to those treaties and their application in specific cases.

44. With regard to the second objective of programme for the Decade, it was a tradition in the Latin American countries for conflicts to be resolved peacefully; if that could not be achieved through non-judicial means, it was essential to apply judicial methods and to have resort to the Permanent Court of Arbitration and especially to the International Court of Justice, whose role should be strengthened. Mechanisms must be established to ensure that decisions of judicial bodies were enforced. It would be very useful to have a universal convention on the peaceful settlement of disputes which could be applied in all cases in which the various legal instruments had not envisaged mechanisms. The delegations she represented fully supported the Secretary-General's proposal that he should be empowered to seek advisory opinions from the International Court of Justice, in exercise of his good offices and with the consent of the parties.

45. With regard to the third objective, the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization should take up certain aspects linked with the maintenance of international peace and security. It was important for the individual to be recognized as a subject of international law, without prejudice to the sovereignty of States. Environmental law was a particularly appropriate area for the progressive

(Mrs. Flores, Uruguay)

development and codification of international law, taking the question of development into account. Consideration should be given to the elaboration of procedural norms and regulations for the Sixth Committee; a publication on the practice followed in the Committee would be useful for future members.

46. Turning to the fourth objective of the programme for the Decade, it was of vital importance to educate people from an early age and to include basic concepts of international law at the primary and secondary levels. The cooperation of international and regional bodies in implementing programmes of study was very important. The media played a vital role in the area of dissemination. The organization of seminars, courses, lectures and symposia on the subject of international law and subsequent publication of their conclusions was also an important activity. Funds allocated to certain fellowships should be used to organize national courses. It was encouraging that the Secretariat had indicated that it would be possible to publish in all official languages the summaries of the judgments and advisory opinions of the International Court of Justice; that should be without prejudice to the possibility of setting up a voluntary fund to finance the full translation of that material. The idea of assigning implementation and coordination of the fourth objective of the programme for the Decade to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was an interesting possibility.

47. Three national committees had been established for the implementation of activities under the Decade, two of which were in Latin America. One was in Mexico, and the other in Uruguay. The Uruguayan national committee had been established in March 1991 and consisted of representatives from the Ministries of Foreign Affairs, Education and Culture, the universities and the legislative and judicial branches. Venezuela was establishing a national committee in order to plan activities related to the promotion and dissemination of international law.

48. Mr. BELLOUKI (Morocco), speaking also on behalf of the States members of the Arab Maghreb Union, said that the Union, established by the 1989 Treaty of Marrakesh, constituted a step towards broader unity encompassing other Arab and African States. At its meeting held at Casablanca in September 1991, the Presidential Council had expressed the Union's readiness, as an integral part of the African community, for fraternal and effective cooperation with African regional groupings and for dialogue with the European Economic Community and other groupings.

49. The United Nations Decade of International Law would provide an appropriate opportunity to narrow the gap between international law and the needs of members of the international community at every stage of development. The developing countries must be enabled to contribute to the enrichment of international law, particularly since the new situation in the world required that international law should play an important role. The interests of the developing countries must be reflected in the rules of international law if their acceptance was to be ensured.

(Mr. Bellouki, Morocco)

50. Promotion of the acceptance of and respect for the principles of international law was an important goal. The Maghreb countries, as parties to many international agreements, were aware of their obligations as responsible members of the international community. In their view, all States must participate in the elaboration of multilateral agreements, particularly those that governed complex aspects of international life. As suggested in the report of the Working Group on the Decade (A/C.6/46/L.8, para. 7) the United Nations Secretariat should publish the status of ratifications of and accessions to multilateral treaties deposited with other international organizations or States. The Maghreb countries were pleased with the efforts being made to publish 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.

51. The promotion of means and methods for the peaceful settlement of disputes between States should remain a focus of the programme for the United Nations Decade of International Law. There was always a need to inculcate awareness of the need for resort to peaceful means in the settlement of disputes and to strive to create a culture of peaceful settlement in international relations based on the supremacy of the law and respect for the principles of justice and fairness. The Maghreb countries expressed their satisfaction at the completion of work on the Handbook on the peaceful settlement of disputes between States, which would prove an acceptable basis for the elaboration of an international convention in that regard.

52. With regard to the question of resort to and full respect for the International Court of Justice, the Maghreb countries felt that non-judicial means should be sought before resort was had to the Court, and the freedom of parties to a dispute to choose an appropriate peaceful means for its resolution should be respected. The proposal by the Secretary-General that he be granted the authority to request an advisory opinion from the Court deserved serious consideration.

53. The Arab Maghreb Union had established a tribunal composed of two judges from each State to consider disputes arising out of the interpretation and application of the Treaty establishing the Union and the agreements concluded within it, as referred to it by the Presidential Council or one of the parties to the dispute, or in accordance with its own statute, and its judgements would be binding and final. It also provided advisory opinions on legal matters referred to it by the Presidential Council. A ministerial committee of the Union was currently meeting in Mauritania to consider a number of legal questions, including the standardization of legal systems and the establishment of a Maghreb centre for arbitration in commercial matters.

54. In the context of encouraging the progressive development of international law and its codification, attention must be paid to areas of advantage to all and particularly those which promoted the development of the developing countries. The Maghreb countries had noted from the report of the

(Mr. Bellouki, Morocco)

Secretary-General (A/46/372) the rapid pace of the development and codification of international law within the United Nations framework. In order to coordinate the efforts being made by the United Nations and the specialized agencies, information that was updated and supplemented on an annual basis must be disseminated in a systematic manner to Member States and to the relevant institutions.

55. For the encouragement of the teaching, study, dissemination and wider appreciation of international law, a greater number of seminars should be held in the framework of the United Nations Programme of Assistance. The Secretariat was making commendable efforts for the timely appearance of the United Nations Juridical Yearbook, the accelerated publication of the United Nations Treaty Series and the translation of the summaries of the judgments and advisory opinions of the International Court of Justice into all the official languages. It had also made commendable efforts to facilitate access to information on treaties.

56. The Maghreb countries considered that the guidelines for the execution of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, as contained in document A/46/610, would lend great impetus to the activities of the Decade in that domain. They further expressed the desire that their nationals should participate in the seminars held during the sessions of the International Law Commission and that they should benefit from the United Nations-UNITAR Fellowship Programme in International Law. The principles of equitable geographical distribution and of rotation should be observed in the provision of fellowships, and candidates from the same country should not participate in successive seminars.

57. Cooperation between developed and developing countries, and particularly between their educational institutions and legal experts, was of the utmost importance. International law: achievements and prospects, recently published by UNESCO, was one of the most important contributions that had been made by that organization to the Decade, given that it addressed the subject with due regard to the variety of contemporary legal cultures and practitioners of international law. The balance between theory and practice in international law should not be lost. The Decade should stress that rules of international law were rules of general application in which all countries, particularly the weaker ones, could find protection without selectivity or the adoption of double standards. There should be no insistence on the application of principles on which there was no consensus in the international community and which lacked any legal support, such as the right of interference and the duty of interference, particularly when such principles were in conflict with peremptory norms.

(Mr. Bellouki, Morocco)

58. The Maghreb countries were endeavouring to elaborate a legal system that would be applied by each of them at the domestic level, and to establish close diplomatic cooperation with each other on the basis of dialogue. They were also endeavouring, together with the international community, to establish an international system ruled by justice, dignity, freedom and human rights and characterized by friendly cooperation and mutual respect.

59. Mr. PAZARCI (Turkey), referring to the report of the Working Group on the United Nations Decade of International Law (A/C.6/46/L.8), said that his delegation welcomed the information in paragraph 7 of the report concerning Secretariat activities in connection with multilateral treaties. However, those activities, highly satisfactory as they were, could not produce the desired effect unless they were supplemented by measures taken by Member States at the national level. States should be helped to strengthen their systems for filing treaties so that they might record all useful data relating to treaties to which they were parties and also have access to data on other treaties to which they were not parties. National efforts in that field were quite as necessary as United Nations activities. Accordingly, his delegation wished to suggest that a model of a national treaty registration system should be prepared on the basis of the experience of developed countries already in possession of such systems and should be proposed to Member States for their use, bearing in mind the specific requirements of developing States. The model should lend itself both to conventional methods and to up-to-date data processing techniques, and should incorporate direct access to data supplied by the United Nations Secretariat system. He hoped that his suggestion would be taken into consideration in future work on the Decade.

60. Referring to paragraph 8 of the report, he noted that the Secretary-General's proposal that he be granted the authority to request an advisory opinion from the International Court of Justice had given rise to divergent views. Mindful of the difficulties involved in remodelling a mechanism already in existence, his delegation took the view that the idea should be approached with great circumspection. In conclusion, he expressed appreciation of the work being done by the Secretariat to verify and modernize the United Nations Treaty Information System.

61. Mr. IBRAHIM AHMED (Yemen) said that the declaration of the period 1990-1999 as the United Nations Decade of International Law had been an expression of the great interest of countries in the application of the concept of the rule of law to international relations and had lent new support to the work of the international bodies concerned with the progressive development of international law.

62. Yemen expressed its support for the programme for the activities to be commenced during the first term (1990-1992) of the Decade. Its Ministry of Foreign Affairs had prepared a programme of activities to be undertaken during that period which had been circulated to the ministries concerned, educational institutions and non-governmental organizations interested in the subject in order to elicit their views and proposals.

(Mr. Ibrahim Ahmed, Yemen)

63. Throughout the stages of its development, Yemen had expressed its respect for the principles of law as the basis of its relations with other countries, and it hoped that the Decade would enhance the role of international law, promote the maintenance of international peace and security and guarantee the legitimate rights of peoples and States. That approach was reflected in the country's Constitution, which had been adopted following a plebiscite held in May 1991. Yemen was a party to a large number of international agreements, including 15 in the field of human rights alone; it had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment earlier in 1991, and it was currently studying a number of treaties with a view to acceding to them. The Government reviewed on a periodic basis the international agreements to which Yemen was a party in order to determine the extent to which the country was meeting its obligations under them, and the Decade would provide it with a suitable opportunity to re-examine some of the reservations that it had expressed in the past. To ensure the implementation of multilateral conventions, Yemen adopted the necessary legislative, judicial and administrative measures, and that was abundantly clear from the new laws enacted in 1991, including a political parties Act, a press Act, a diplomatic corps Act and an Act on territorial waters, the economic zone and the continental shelf, all of which reflected many of the rules of international law contained in multilateral conventions.

64. Yemen welcomed the completion of the Handbook on the peaceful settlement of disputes between States and considered it to be an appreciable contribution to the Decade. There was a need to strengthen the role of United Nations organs, including the International Court of Justice, in the peaceful settlement of disputes without, at the same time, diminishing the importance of such means as arbitration and cooperation between regional organizations and the United Nations. His delegation would welcome the adoption of any international instrument on the peaceful settlement of disputes between States that laid down rules that were the subject of a consensus of all States.

65. His delegation commended the progress made by the International Law Commission in the progressive development and codification of international law and stressed the particular importance of developing international norms relating to environmental protection, particularly in times of armed conflict. In the context of the encouragement of the teaching, study, dissemination and wider appreciation of international law, in Yemen international law was studied as a specialization in the faculties of law and in a general manner in other faculties. Preparations were being made for the opening of a diplomatic institute for the training for Yemeni personnel, and that institute would no doubt be one of the major centres for the teaching and dissemination of international law in Yemen. Like other developing countries, Yemen required assistance from industrialized countries and international organizations in that regard, particularly for the acquisition of legal reference works, access to international lawyers as lecturers and the provision of fellowships for those specializing in international law. His delegation welcomed the fact that it would be possible to translate into all

(Mr. Ibrahim Ahmed, Yemen)

the official languages of the United Nations the summaries of the judgments and advisory opinions of the International Court of Justice for the period 1949 to 1990 so that they might be used in universities and other research centres.

66. The sincere cooperation of States in achieving the goals of the Decade would enable mankind to greet the twenty-first century with a new world based on respect for law in which peace and justice prevailed.

67. Mr. MICKIEWICZ (Poland) said that the three areas which should be given priority during the current and following terms of the Decade were, first, peaceful settlement of disputes, second, application of international law at the national level, and, third, legal aspects of environmental protection. The radical political changes which had taken place in recent years, particularly in Central and Eastern Europe, gave ground to believe that confrontation between States was giving way to a new era of cooperation, rule of law and peaceful settlement of possible disputes. His delegation therefore welcomed the fact that one of the main purposes of the Decade was to be 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. Poland had, two years previously, accepted the compulsory jurisdiction of the Court under Article 36, paragraph 2, of its Statute. Acceptance of that optional clause by an increasing number of States was an essential element in strengthening the rule of law in conflict situations. Prevention and settlement of international disputes were areas of international law well suited for progressive development during the Decade. The draft Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security annexed to draft resolution A/C.6/46/L.9 would undoubtedly make a valuable contribution to the Decade, and he expressed the hope that the Declaration would be adopted by consensus.

68. With regard to the question of the implementation of international law in both the national and international spheres, he recalled the comment made by his country's Minister for Foreign Affairs earlier in the session to the effect that many countries could benefit from more extensive and systematic information on possible approaches to the problem of domestic implementation of international law, and that the Decade should be used to bring about progress in that field. In the light of those remarks, his delegation welcomed point III.7 in the list of comprehensive suggestions in the report to the programme for the Decade (A/C.6/45/L.5, annex II), which concerned the evaluation of the future role of international law in the context of an interdependent and changing world, including the evolving relationship between international law and national laws.

69. The third priority area he was proposing, that of legal regulation of environmental protection, was also of paramount importance. In view of the accelerating deterioration of the global environment and the threats facing

(Mr. Mickiewicz, Poland)

mankind in connection with transboundary air, water and land pollution, *inter alia*, in areas outside national jurisdiction, there was a dramatic need for legal rules dealing with liability in such matters. In that connection, he referred to the preparations being made for the forthcoming United Nations Conference on Environment and Development and the start of negotiations on climate change, protection of biological diversity and management of tropical forests.

70. In conclusion, he said that the programme for the first term of the Decade had been received very favourably in his country. The Minister for Foreign Affairs had forwarded the text of General Assembly resolution 45/40 and the annex thereto to the Polish branch of the International Law Association and to all universities and other educational establishments where public international law was taught, encouraging them to promote the purposes of the Decade within the fields of their scientific or educational activities. It should be noted that during the academic year 1990 some 30 doctoral theses and 200 Master of Laws degree theses at Polish universities had been devoted to various aspects of international law.

71. Mr. APRIL (Canada) reiterated his Government's support of the main purposes of the United Nations Decade of International Law as set forth in General Assembly resolution 44/23 and its hope that the activities undertaken during the first term of the Decade would be successful.

72. So far as the promotion of means and methods for the peaceful settlement of disputes between States was concerned, his Government took the view that resort to international bodies, including not only the International Court of Justice but also regional organizations such as the Conference on Security and Cooperation in Europe and the Organization of American States, was of the essence.

73. As previously stated, Canada considered that faithful implementation of legal instruments and rules already in existence, especially in the crucial spheres of human rights and environmental protection, would be more conducive to the further advancement of international law than the elaboration of new agreements or the setting up of new institutions.

74. The International Law Commission should be encouraged to continue its work of codification and progressive development of international law. The Decade provided an excellent opportunity for the Commission to make a valuable contribution to the advancement of international law by completing its work on certain items which had been on its agenda for a number of years, especially those with a bearing on environmental problems. Referring to the General Assembly's recent election of members of the International Law Commission, he extended his delegation's congratulations to all those elected and, in particular, to the 17 new members of the Commission.

(Mr. April, Canada)

75. Like the Nordic countries on whose behalf a most interesting statement had been made by the Swedish delegation, Canada encouraged the implementation of the Decade's objectives at the national level. A number of meetings and lectures had been organized with a view to enhancing the population's awareness of the Decade and its purposes. New teaching materials for use at universities were in preparation, and basic principles of international law were to be taught at secondary and even at primary schools. Several institutions already offered courses on human rights and hoped to take advantage of the opportunities offered by the Decade to extend their teaching activities to other areas of international law. Seminars on international law were held for journalists working in the field of international affairs. As part of the effort to sensitize public opinion to the importance of international law, consultations were being held with film directors, television producers, announcers and others who came regularly into contact with the public at large. Lastly, he wished to mention a private professional organization known as the World Network for International Law which had been set up in his country specifically for the purpose of promoting the United Nations Decade of International Law. The new group, which intended shortly to begin issuing an information circular for the benefit of similar groups in other countries, pursued two objectives, the first of which was to share available information on activities organized in different countries within the framework of the Decade and the second was the publication and dissemination of legal studies received *inter alia* from international organizations. The first issue of the circular was expected to appear in January 1992.

76. Mr. MOREIRA LIMA (Brazil) said that the most important contribution a country could make to the Decade was its own record of scrupulously observing the principles and norms of international law. The Brazilian Government was taking specific measures to enhance its contribution to the Decade, especially through the encouragement of the teaching, study, dissemination and wider appreciation of international law. In 1991, the Ministry of Foreign Affairs of Brazil had adopted its own internal programme for the Decade, which included the establishment of a course in international law for members of the congressional staff. The Ministry was also considering promoting the publication of works on international law by the United Nations as well as by Brazilian authors, to be distributed to universities and other institutions in Brazil as well as to interested foreign institutions and to the Governments of other Portuguese-speaking countries. The programme adopted by the Ministry also provided for the resumption of the activities of the National Committee for the Codification of International Law in order to promote the objectives of the Decade through the organization of seminars, symposia, lectures and meetings to exchange experiences and to provide assistance in the field of international law. Also of significance was the document on international law, prepared by Brazil, Mexico and Spain and circulated during the Ibero-American Summit held at Guadalajara, Mexico, in 1991, which made specific reference to the Decade and suggested that the Summit should urge participants to contribute to the Decade by identifying areas which would be suitable for progressive development and codification.

(Mr. Moreira Lima, Brazil)

77. His delegation saw clear merit in the suggestion by the Secretary-General that the General Assembly should extend to him the authority to request, with the consent of the parties to disputes, advisory opinions from the International Court of Justice, under Article 96 of the Charter, as an important way of developing international law. He shared the view of the delegations of Mexico and Spain that the question should be examined during the following session of the Special Committee on the Charter.

78. There was a new and growing conviction among States that in a highly interdependent world, the interests of all were best served by a more principled and orderly international system based on the rule of law. Recent events had demonstrated the need for a world order based on better relations among nations, full compliance with international legal obligations and wider respect for the rule of law. His delegation hoped that the Decade would effectively help to promote universal respect for the norms and principles of international law, a better understanding of the role of the United Nations in maintaining international peace and security and in promoting economic and social development, and the further progressive development and codification of international law.

79. Ms. KOFLER (Austria) reiterated her delegation's conviction that greater awareness on the part of States of the importance for international law and its progressive development and codification was essential to international peace and security. The Decade of International Law provided a unique opportunity to promote and enhance the cause of peace by strengthening the supremacy of the rule of law and increasing the willingness of States to abide by the norms of international law.

80. The fact that only a few Governments had thus far responded to the Secretary-General's invitation to submit information on the implementation of the programme for the activities to be commenced during the first term of the Decade (document A/46/3/2), might be interpreted to mean that the Decade, in its second year, was losing momentum. Her delegation associated itself with the Swedish representative who, speaking on behalf of the Nordic countries, had urged States to take part in the dialogue needed in order to bring about substantive results. As a forum for such a dialogue, the Sixth Committee bore a particular responsibility for enhancing and promoting the purposes of the Decade and closely monitoring the implementation of its programme. The Committee and, more particularly, its Working Group should continue to serve as a steering body in all matters relating to the Decade with a view to developing generally acceptable recommendations. In that connection, she wished to underline once again that in her delegation's view it was particularly important that decisions relating to the Decade, requiring as they did the full and wholehearted support of all sectors of the international community, should be reached by consensus.

81. Referring specifically to the programme of activities for the first term of the Decade contained in the annex to General Assembly resolution 45/40, she said that, since her Government's written reply to the Secretary General's

(Ms. Kofler, Austria)

request was incorporated in document A/46/372, she proposed to confine herself to some brief comments on a part of the programme which her delegation considered to be of the utmost importance, namely, the promotion of means and methods for the peaceful settlement of disputes between States. Increasing acceptance of the supremacy of law in international relations went hand in hand with the establishment and promotion of mechanisms for the peaceful settlement of international disputes, which called for the recognition of a competent international body to deal with cases where States could not agree on the interpretation or application of a rule of international law. Austria welcomed the recent trend which indicated that more and more States were ready to accept the compulsory jurisdiction of the International Court of Justice. Her delegation also considered that all proposals aimed at enhancing the role of the Court, such as the proposal of the Secretary-General that he be granted the authority to request advisory opinions, deserved further consideration.

82. With regard to the promotion of peaceful settlement of disputes, her delegation would wish to see special emphasis placed on those areas where differences between States were most likely to occur in the future. One such area would be that of the environment; work being undertaken in other forums, e.g. in preparation for the forthcoming United Nations Conference on Environment and Development, should be taken into consideration in that connection. International environmental law in general seemed to be an area of international law particularly requiring progressive development. The development of international norms relating to environmental protection would, as other delegations had suggested in the course of the debate, be a most suitable subject for study in the framework of the Decade.

83. Mr. FARRUKH (Pakistan) said that his country fully supported the main purposes of the Decade as set forth in General Assembly resolution 44/28. The report of the Secretary-General (A/46/372) had provided a basis for the discussion in the Working Group on the implementation of the programme for the activities to be commenced during the first term (1990-1992) of the Decade; it also contained useful information on United Nations activities relevant to the codification and progressive development of international law.

84. His delegation noted with interest the activities undertaken by States and international organizations to promote the acceptance of and respect for the principles of international law and felt that the international climate had never been more conducive to that endeavour. It was to be hoped that the Decade would provide an opportunity to enhance the rule of law in international relations.

85. With regard to the promotion of means and methods for the peaceful settlement of disputes between States, he said that the principle of peaceful settlement was the cornerstone of Pakistan's foreign policy. His delegation believed that the International Court of Justice should be resorted to more often and noted with satisfaction that a greater understanding of the Court's useful role now existed among States. For the past few years, there had been

(Mr. Farrukh, Pakistan)

an increasing number of cases for adjudication pending before the Court, and more and more States had accepted the Court's compulsory jurisdiction. In that connection, the initiative taken by the Secretary-General in 1989 to set up a Trust Fund to assist developing countries with their litigation expenses would encourage States to resolve their disputes through the Court. To date, the Fund had received contributions from some 30 countries and had begun to operate.

86. As to the teaching, study, dissemination and wider appreciation of international law, his delegation believed that special emphasis should be placed on encouraging the establishment of academic and professional institutions carrying out research and education in international law in the developing countries, where there was certainly a need for greater public understanding of international law. The organizations of the United Nations system and Member States should consider holding seminars, symposia, training courses and lectures and undertaking studies on various aspects of international law. Students, professors and lawyers in the field of international law and personnel from Ministries of Foreign Affairs should be given scholarships in international law at various universities.

87. The programme of the Decade should focus on strengthening international peace and security as well as on establishing a progressive and just world order. The progressive development of international law must facilitate human progress and development. In that context, his delegation drew attention to the international economic environment for developing countries which, during the past decade, had been marked by negative resource flows, the proliferation of trade barriers, a crushing debt burden and high interest rates. That situation had resulted in a net flow of financial resources from developing countries to developed countries.

88. His delegation considered that underdevelopment and economic disparity between countries were among the main factors of social and political instability, with adverse consequences for international peace and security. In the context of the Decade, attention should be given to the solution of international economic problems, particularly of the developing countries, through such measures as lower interest rates, increased development assistance, curbs on protectionist policies and trade barriers, technology transfers to developing countries and stabilized commodity prices.

AGENDA ITEM 131: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/C.6/46/L.7, L.9 and L.10)

Draft resolution A/C.6/46/L.7

89. The CHAIRMAN drew attention to document A/C.6/46/L.10 containing the programme budget implications of draft resolution A/C.6/46/L.7.

90. Mr. HANAIFI (Egypt), introducing the draft resolution on behalf of its sponsors, to which Poland had been added, said that it was a result of intensified efforts by all the delegations concerned. After drawing attention to a minor drafting change in paragraph 4 (c), he read out the fourth preambular paragraph, and said that the draft took into consideration the various proposals made to the General Assembly at its previous session with a view to enhancing the role of the Organization. After reading out paragraphs 2 and 3, he said that the proposal made by one delegation for the postponement of the next session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation had been withdrawn. He then read out paragraphs 4 and 5 and expressed his delegation's hope that the draft resolution could be adopted without a vote.

91. Draft resolution A/C.6/46/L.7 was adopted with minor drafting changes.

Draft resolution A/C.6/46/L.9

92. Mr. BERG (Germany), introducing the draft resolution on behalf of its sponsors, to which Bulgaria, Hungary and Romania had been added, said that its main purpose was to approve the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security which had been completed by the Special Committee at the current session. After reading out the fifth preambular paragraph and paragraphs 3 and 4, he expressed his delegation's hope that the draft resolution could be adopted without a vote.

93. Mr. NTSAMA (Cameroon) said that, as a representative of a bilingual country whose official languages were French and English, he wished to point out that the translation of "fact-finding" in French as "activités d'établissement des faits" was not accurate. His delegation would prefer an expression which reflected the word "finding" and felt that a better rendering would be "investigations pour reconstituer des faits".

94. The CHAIRMAN suggested that the question should be referred to the Special Committee, and that, for the time being, the text should remain as it was.

95. Mr. ROSENSTOCK (United States of America) said that, while he could not comment on the choice of terms in French, he hoped it was clearly understood that the Committee was adopting the term which appeared in the text under consideration. The text to be adopted by the General Assembly in plenary meeting would reflect whichever term was subsequently decided on by the French-speaking delegations.

96. Draft resolution A/C.6/46/L.9 was adopted.

97. Mr. DONIGI (Papua New Guinea), explaining his delegation's position on the two draft resolutions just adopted, said that the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security merely reflected existing practice with

(Mr. Donigi, Papua New Guinea)

regard to the consent of receiving States as a precondition for the admission of United Nations fact-finding missions. Accordingly, unless States were prepared to grant consent, the prospects for achieving international peace and security or for curtailing the coordinated annihilation of minority peoples living within the territories of Member States would be diminished.

The meeting rose at 1.30 p.m.