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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Ghassan OBEID (Syrian Arab Republic)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled:

"United Nations Decade of International Law:

(a) United Nations Decade of International Law;

(b) Action to be taken in 1999 dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law;

(c) Draft guiding principles for international negotiations"

and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 8th to 10th, 30th and 31st meetings, on 14, 15 and 17 October and on 14 and 18 November 1997. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/52/SR.8-10, 30 and 31).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General (A/52/363);

(b) Letter dated 3 February 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates addressed to the Secretary-General (A/52/71);

(c) Letter dated 14 March 1997 from the representatives of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to the United Nations addressed to the Secretary-General, transmitting the text of a statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan (A/52/112);

(d) Letter dated 12 June 1997 from the Permanent Representative of Mongolia to the United Nations addressed to the Secretary-General (A/52/141);

(e) Identical letters dated 20 May 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General and the President of the Security Council (A/52/154-S/1997/383);

(f) Letter dated 27 May 1997 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/52/160);

(g) Letter dated 2 June 1997 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General (A/52/168-S/1997/429);

(h) Letter dated 10 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/52/180-S/1997/448);

(i) Letter dated 18 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/52/186-S/1997/477);

(j) Letter dated 28 August 1997 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General, transmitting the declarations of the Eleventh Summit of Heads of State and Government of the Rio Group, held at Asunción on 23 and 24 August 1997 (A/52/347);

(k) Letter dated 16 September 1997 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/52/361-S/1997/720);

(l) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-second session of the General Assembly, held in New York on 25 September 1997 (A/52/447-S/1997/775);

(m) Letter dated 13 October 1997 from the Permanent Representatives of the Netherlands and the Russian Federation to the United Nations addressed to the Secretary-General (A/C.6/52/3);

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4. The General Assembly, in its resolution 51/157, had requested the Working Group on the United Nations Decade of International Law to continue its work at the fifty-second session in accordance with its mandate and methods of work. Pursuant to that request, the Sixth Committee, at its 4th meeting, on 7 October, elected Mrs. Socorro Flores (Mexico) Chairman of the Working Group for the session. The Working Group held nine meetings, from 17 October to 13 November.

5. At the 30th meeting, on 14 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/52/SR.30).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/52/L.12

6. At the 31st meeting, on 18 November, the Chairman of the Working Group introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/52/L.12).

7. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.12 without a vote (see para. 14, draft resolution I).

B. Draft resolutions A/C.6/52/L.2 and L.5

8. The Working Group considered a draft resolution submitted by the Netherlands and the Russian Federation entitled "Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law" (A/C.6/52/L.2), which read:

"The General Assembly,

"Reaffirming once again the commitment of the United Nations and its Member States, as well as the States party to the Statute of the International Court of Justice, to the goals and aspirations of the United Nations Decade of International Law, expressed by the General Assembly in subsequent resolutions under that item of its agenda,¹

"Mindful of the long and well-established tradition of progressive development and codification of international law, marked by the first and the second International Peace Conferences, held at The Hague in 1899 and 1907 respectively,

"Recalling that the third International Peace Conference, which was meant to be held at The Hague in 1915, did not take place,

¹ Notably resolutions 44/23 of 17 November 1989 and 51/157 of 16 December 1996.

"Recalling also the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century, referred to in resolution 51/159 of 16 December 1996, and the initiatives undertaken by the Kingdom of the Netherlands with regard to the commemoration of the first International Peace Conference,

"Recalling further that in the same resolution, the General Assembly invited the Governments of the Russian Federation and the Netherlands to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in this respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations as well as other relevant organizations,

"Noting, in this respect, that a meeting of the "Friends of 1999" took place on 22 April 1997 at the Peace Palace, The Hague, to which representatives of 20 States from all regions of the world, the International Court of Justice, the Permanent Court of Arbitration, the International Committee of the Red Cross and the coalition of non-governmental organizations Hague Appeal for Peace were invited for consultations on proposals for a draft programme of action for the centennial of the first International Peace Conference,

"Noting with satisfaction that the realization of all those proposals in the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Netherlands and the Russian Federation,² is consistent with the goals and aspirations of the United Nations Decade of International Law,

"Noting also that the Programme of Action inter alia calls for the presentation of the results of the centennial discussions to the General Assembly of the United Nations at its fifty-fourth session, at the closing of the United Nations Decade of International Law,

"Noting further that the Programme of Action does not entail budgetary implications for the United Nations,

"1. Welcomes the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Governments of the Kingdom of the Netherlands and of the Russian Federation, which aims at contributing to the further development of the themes of the first and the second International Peace Conferences and could be regarded as a third International Peace Conference;

² A/C.6/52/3.

"2. Invites:

"(a) The Governments of the Kingdom of the Netherlands and of the Russian Federation to proceed with the implementation of the Programme of Action;

"(b) All States to participate in the activities set out in the Programme of Action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels;

"(c) All States to take appropriate measures to ensure universal participation in the activities pursuant to the Programme of Action, with special consideration for the participation of representatives of the least developed countries;

"3. Calls upon the competent United Nations organs, subsidiary organs, programmes and specialized agencies, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective mandates, competencies and budgets, as well as upon other international organizations:

"(a) To cooperate in the implementation of the Programme of Action and to coordinate their efforts in this respect;

"(b) To consider participation in the activities envisaged in the Programme of Action;

"4. Requests the Secretary-General to ensure consistency of the Organization's activities relating to the closing of the Decade of International Law with the Programme of Action and to direct his efforts accordingly;

"5. Decides to include in the provisional agenda of its fifty-third session, under the item entitled 'United Nations Decade of International Law', a sub-item entitled 'Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law'."

9. At the 31st meeting, on 18 November, the Chairman of the Working Group, as a result of its deliberations on draft resolution A/C.6/52/L.2, introduced a draft resolution entitled "Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law" (A/C.6/52/L.5).

10. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.5 without a vote (see para. 14, draft resolution II).

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C. Draft resolution A/C.6/52/L.4 and Rev.1

11. The Committee had before it a draft resolution entitled "Draft guiding principles for international negotiations" (A/C.6/52/L.4), submitted by Brunei Darussalam, Colombia, Guatemala, Italy, Kyrgyzstan, Malaysia, Mongolia, Nepal, Qatar, San Marino, Singapore, Slovenia, Solomon Islands, the Sudan, the former Yugoslav Republic of Macedonia and Viet Nam, subsequently joined by Uruguay which read:

"The General Assembly,

"Recalling the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of cooperation among States,

"Taking into account the objectives of the United Nations Decade of International Law,

"Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,³

"Recalling Article 13, paragraph 1 (a), of the Charter of the United Nations, whereby the General Assembly is called upon to initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification,

"Proceeding from the fact that in their negotiations States are guided in general by the principles of international law,

"Bearing in mind the increasing role that constructive and effective negotiations could play in attaining the noble purposes of the Charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

"Convinced that the identification and harmonization of guiding principles for international negotiations would contribute to enhancing the predictability of negotiating parties, reducing uncertainty and promoting an atmosphere of trust at negotiations,

"Convinced also that setting a minimum standard of conduct for negotiating parties could induce them to act in accordance therewith, as well as offer them some leverage for requiring other parties to act likewise,

"Having considered the item entitled 'Draft guiding principles for international negotiations',

³ Resolution 2625 (XXV), annex.

"1. Underlines the importance of conducting effective negotiations in managing international relations and the peaceful settlement of disputes as well as in the codification and progressive development of international law;

"2. Takes note of the 'Draft guiding principles for international negotiations' contained in document A/52/141;

"3. Takes note also of the comments and proposals made during the consideration of the item, including the need for further consideration of the item to elaborate the above-mentioned principles;

"4. Decides to refer the consideration of this item to the Working Group on the United Nations Decade of International Law;

"5. Invites all States and relevant international organizations to submit to the Secretary-General, before 15 July 1998, comments and suggestions on the content of the draft guiding principles for international negotiations;

"6. Requests the Secretary-General to transmit the comments and suggestions mentioned in paragraphs 3 and 5 above to the Working Group for its substantive consideration during the fifty-third session of the General Assembly;

"7. Decides to include in the provisional agenda of its fifty-third session, under the item entitled 'United Nations Decade of International Law', the sub-item entitled 'Draft guiding principles for international negotiations'."

12. At the 31st meeting, on 18 November, the representative of Mongolia, on behalf of the co-sponsors of A/C.6/52/L.4, Portugal, Turkey and Uruguay, subsequently joined by Cuba and Lebanon, introduced a revised draft resolution (A/C.6/52/L.4/Rev.1).

13. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.4/Rev.1 without a vote (see para. 14, draft resolution III).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 51/157 of 16 December 1996, to which was annexed the programme for the activities for the final term (1997-1999) of the Decade, and its resolution 51/158 of 16 December 1996, entitled "Electronic treaty database",

Expressing its appreciation for the note submitted by the Secretary-General,⁴ and having considered the note,

Recalling that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986⁵ is one of the conventions adopted under the aegis of the United Nations which have codified the law of treaties, and recalling also its impact on the practice of treaties concluded between States and international organizations or between international organizations,

Recalling also that at the forty-fifth session of the General Assembly the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

⁴ A/52/363.

⁵ A/CONF.129/15.

Noting that at the fifty-second session the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 51/157 and all previous resolutions on the question,

Having considered the oral report of the Chairman of the Working Group to the Sixth Committee,⁶

1. Expresses its appreciation for the work done on the United Nations Decade of International Law at the current session, and requests the Working Group of the Sixth Committee to continue its work at the fifty-third session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the activities for the final term (1997-1999) of the Decade, including sponsoring conferences on various subjects of international law;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in its implementation, as appropriate, to the Secretary-General for inclusion in the report requested under paragraph 8 of resolution 51/157;

4. Encourages States to disseminate at the national level, as appropriate, information contained in the note submitted by the Secretary-General;⁴

5. Encourages States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention and other international organizations entitled to do so to accede to it at an early date;

6. Encourages States parties and international organizations or agencies, including depositaries, in order to further facilitate implementation of the obligation laid down in Article 102 of the Charter of the United Nations to provide, where available, a copy of the text of any treaty in disk or other electronic format and to consider providing where available translations in English or French or both as may be needed, for the purposes of assisting with the timely publication of the United Nations Treaty Series;

7. Invites the Secretary-General to apply the provisions of article 12, paragraph 2, of the Regulations to give effect to Article 102 of the Charter of the United Nations⁷ to multilateral treaties falling within the terms of article 12, paragraph 2 (a) to (c);

⁶ See A/C.6/52/SR.30.

⁷ United Nations, Treaty Series, vol. 859/860, p. VIII.

8. Encourages the Office of Legal Affairs of the Secretariat to continue in its efforts to facilitate access to information concerning United Nations activities in the field of international law and to bring up to date the publication of the United Nations Juridical Yearbook;

9. Encourages the Secretary-General to continue developing a policy of providing Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, keeping in mind especially the needs of developing countries, in recovering the costs thereof;

10. Requests the Secretary-General to proceed to translate and publish in the form of a report issued in the official languages of the United Nations a list of the titles of the treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General;

11. Also requests the Secretary-General to ensure that hard copies of the publications mentioned in paragraph 9 above continue to be distributed to permanent missions free of charge in accordance with their needs;

12. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

13. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 51/157;

14. Notes with appreciation the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

15. Decides to include in the provisional agenda of its fifty-third session the item entitled "United Nations Decade of International Law".

DRAFT RESOLUTION II

Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law

The General Assembly,

Reaffirming once again the commitment of the United Nations and its Member States, as well as the States parties to the Statute of the International Court of Justice, to the goals of the United Nations Decade of International Law, expressed by the General Assembly in resolutions under that item of its agenda,⁸

⁸ Notably resolutions 44/23 and 51/157.

Mindful of the long and well-established tradition of progressive development and codification of international law, marked by the first and the second International Peace Conferences, held at The Hague in 1899 and 1907 respectively,

Recalling that the third International Peace Conference, scheduled to be held at The Hague in 1915, was not held because of the outbreak of the First World War the previous year,

Recalling also the proposal by the Russian Federation for a third international peace conference with a view to considering international law and order in the post-cold-war world at the threshold of the twenty-first century, referred to in General Assembly resolution 51/159 of 16 December 1996, and the initiatives undertaken by the Kingdom of the Netherlands with regard to the commemoration of the first International Peace Conference,

Recalling further that in the same resolution the General Assembly invited the Governments of the Russian Federation and the Netherlands to arrange, as a matter of urgency, a preliminary discussion with other interested Member States on the substantive content of action to be taken in 1999 and to seek, in that respect, the cooperation of the International Court of Justice, the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations,

Noting, in this respect, that a meeting of the "Friends of 1999" was held on 22 April 1997 at the Peace Palace, The Hague, to which representatives of 20 States from all regions of the world, the International Court of Justice, the Permanent Court of Arbitration, the International Committee of the Red Cross and the coalition of non-governmental organizations Hague Appeal for Peace were invited for consultations on proposals for a draft programme of action for the centennial of the first International Peace Conference,

Noting with satisfaction that the realization of all those proposals in the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Netherlands and the Russian Federation,⁹ is consistent with the goals of the United Nations Decade of International Law,

Noting also that the Programme of Action, inter alia, calls for the presentation of the results of the centennial discussions to the General Assembly at its fifty-fourth session, at the closing of the United Nations Decade of International Law,

Noting further that the Programme of Action does not entail budgetary implications for the United Nations,

1. Welcomes the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Governments of the Netherlands and the Russian Federation, which aims at contributing to the further development of the themes of the first and the second International

⁹ A/C.6/52/3.

Peace Conferences and could be regarded as a third international peace conference;

2. Encourages:

(a) The Governments of the Netherlands and the Russian Federation to proceed with the implementation of the Programme of Action;

(b) All States to participate in the activities set out in the Programme of Action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels;

(c) All States to take appropriate measures to ensure universal participation in the activities pursuant to the Programme of Action, with special consideration for the participation of representatives of the least developed countries;

3. Encourages the competent United Nations organs, subsidiary organs, programmes and specialized agencies, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective mandates, competencies and budgets, as well as other international organizations:

(a) To cooperate in the implementation of the Programme of Action and to coordinate their efforts in this respect;

(b) To consider participation in the activities envisaged in the Programme of Action;

4. Requests the Secretary-General to ensure consistency of the Organization's activities relating to the closing of the Decade of International Law with the Programme of Action and to direct his efforts accordingly;

5. Decides to include in the provisional agenda of its fifty-third session, under the item entitled "United Nations Decade of International Law", a sub-item entitled "Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law".

DRAFT RESOLUTION III

Draft guiding principles for international negotiations

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of cooperation among States, as well as Article 13, paragraph 1, of the Charter of the United Nations, whereby the General Assembly is called upon to initiate

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studies and make recommendations for the purpose of promoting international cooperation,

Taking into account the objectives of the United Nations Decade of International Law,

Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,¹⁰

Bearing in mind that in their negotiations States should be guided by the relevant principles of international law,

Bearing in mind the important role that constructive and effective negotiations can play in attaining the purposes of the Charter of the United Nations by:

- contributing to the management of international relations,
- the peaceful settlement of disputes,
- the creation of new international norms of conduct of States,

Noting that the identification and harmonization of guiding principles for international negotiations could contribute to enhancing the predictability of negotiating parties, reducing uncertainty and promoting an atmosphere of trust at negotiations and could offer a frame of reference for negotiations,

Having considered the sub-item entitled "Draft guiding principles for international negotiations",

1. Underlines the importance of conducting effective negotiations in managing international relations and the peaceful settlement of disputes and in the creation of new international norms of conduct of States;

2. Takes note of the "Draft guiding principles for international negotiations" contained in document A/52/141 and the comments and proposals made during the consideration of the sub-item, including the need for its further consideration;

3. Decides to continue the consideration of this sub-item in the Working Group on the United Nations Decade of International Law during the fifty-third session of the General Assembly;

4. Invites all States and relevant international organizations to submit in writing to the Secretary-General, before 1 August 1998, comments and proposals on the content of the "Draft guiding principles for international negotiations";

¹⁰ Resolution 2625 (XXV), annex.

5. Requests the Secretary-General to transmit the comments and proposals mentioned in paragraphs 2 and 4 above to the Working Group for its consideration;

6. Decides to include in the provisional agenda of its fifty-third session under the item entitled "United Nations Decade of International Law" the sub-item entitled "Draft guiding principles for international negotiations".
