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SUMMARY RECORD OF THE 8TH MEETING

Chairman: Mr. TURK (Austria)

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

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/44/33 and A/44/409 and Corr.1 and 2)

AGENDA ITEM 141: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/44/460; A/C.6/44/L.1)

1. Mr. ZACHMANN (German Democratic Republic) said that for a growing number of States the solution of the problems facing mankind required an efficient world organization and the progressive development of international law. It was encouraging to note that the active involvement of the United Nations had recently made it possible to initiate the peaceful solution of a number of conflicts. That was a trend that should be strengthened.

2. At its 1989 session, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had achieved further tangible results. After several years of intensive negotiations, it had completed consideration of Romania's proposal on the resort to a commission of good offices, mediation or conciliation. The proposal, which was before the Sixth Committee, should be adopted by consensus. That would certainly be a timely contribution to the strengthening and development of the principle of the peaceful settlement of disputes enshrined in the Charter of the United Nations, the goal to which all nations should aspire. One way to achieve that goal was to enhance the effectiveness of the International Court of Justice, as the principal judicial organ of the United Nations, as the community of States was trying to do. His own country was in the process of reviewing, with the intention of possibly withdrawing, the reservations it had made regarding the compulsory jurisdiction of the Court in multilateral agreements to which it was a party.

3. The consideration in 1989 of proposals relating to the fact-finding activities of the United Nations had shown that those activities should be regarded as an important element in enhancing the Organization's effectiveness in the maintenance of international peace and security. That was also reflected in the working papers submitted by Belgium, the Federal Republic of Germany, Italy, Japan, New Zealand and Spain (A/AC.182/L.60) and by Czechoslovakia and the German Democratic Republic (A/AC.182/L.62). Although there was an undeniable common desire, there were still differences of opinion concerning the objectives, content and scope of application of the fact-finding method. The sole intention of document A/AC.182/L.62 was to contribute to a comprehensive consideration of the question, identify areas of agreement and promote the elaboration of a substantive document.

4. A more precise definition and wider utilization of fact-finding would enable the United Nations to strengthen its contribution to the maintenance of peace. Recourse to that method by the Security Council, the General Assembly and the Secretary-General would considerably broaden their scope of action on the basis of an objective knowledge of the facts when preparing or implementing measures designed to prevent or resolve conflicts or potentially dangerous situations.

(Mr. Zachmann, German Democratic Republic)

Those ideas had aroused general interest during the consideration of document A/AC.182/L.62 in the Special Committee and they deserved careful study. One might even envisage the extension of fact-finding activities to other areas in which the United Nations was involved, such as monitoring compliance with international agreements and United Nations resolutions.

5. One question which arose in that connection was the definition or reaffirmation of international legal principles governing fact-finding activities, particularly during the sending of missions. His country shared the opinion of many States Members that the procedure for obtaining the consent of the State to which the mission was sent was a basic prerequisite for the missions's success. Experience showed that respect for that principle, far from being restrictive, created optimum conditions for the conduct of fact-finding missions.

6. His delegation welcomed the progress achieved in the preparation of the draft handbook on the peaceful settlement of disputes. As for the question of the rationalization of procedures, it felt that the proposals submitted by the Union of Soviet Socialist Republics contained useful suggestions that went beyond purely procedural matters and deserved careful consideration by the Special Committee when pursuing its work, as did any further suggestion that might be made on the subject of the maintenance of international peace and security.

7. Mr. TANASIE (Romania) said he was convinced that the evolution of the international situation made it more necessary than ever for the United Nations to do everything possible to strengthen its role and enhance its effectiveness. The Special Committee on the Charter, established in December 1975, had an important role to play in that respect.

8. His delegation shared the view that the United Nations should take more practical steps towards the settlement of disputes and should provide more effective support to the parties to a dispute. The peaceful settlement of disputes depended essentially on a convergence of interests and, far from being an abstract principle, implied the need for specific action. Effective use must therefore be made of the various ways and means provided by the Charter of the United Nations to implement that principle.

9. In section V of its report (A/44/33), the Special Committee had indicated that it had completed its consideration of the proposal in the working paper submitted by Romania on the resort to a commission of good offices, mediation or conciliation within the United Nations (A/AC.182/L.52/Rev.2). It was of the opinion that States should consider the proposal as useful guidance, in the light of the discussions in the Special Committee and in the General Assembly, when envisaging a resort to good offices, mediation or conciliation for the settlement of their disputes. It recommended that the General Assembly should bring the proposal to the attention of States by annexing it to a decision to be adopted at the forty-fourth session.

(Mr. Tanasie, Romania)

10. His delegation pointed out that paragraph 1 of the proposal stated clearly that the commission envisaged therein was not a standing organ but a procedure within the context of Article 33 and Article 36, paragraph 1, of the Charter. That procedure could be established only with the consent of the States parties to a dispute. Its purpose was to ensure that States would resort more frequently, and more successfully, to the peaceful settlement of disputes, in accordance with Article 33 of the Charter, by expanding the already wide range of means at their disposal. He welcomed the fact that the Special Committee had, at its 1989 session, completed consideration of the document, which represented the fruit of its collective labour. All delegations should give the text proposed for adoption the attention it deserved.

11. His delegation was also pleased with the progress made on the handbook on the peaceful settlement of disputes between States. It hoped that the Secretariat could complete its preparation as soon as possible, taking into account the suggestions made during the consultations on various chapters.

12. On the question of the maintenance of international peace and security, his delegation felt that the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, whose adoption in 1988 he had welcomed, would have been stronger if it had also included references to disarmament and confidence-building measures. The Declaration illustrated the fact that the Organization could not perform its preventive function in a vacuum, independently of the behaviour of States and their attitudes towards the norms and principles of international law. To strengthen the role of the United Nations, energetic measures must be adopted on a permanent basis, to strengthen its capacity, authority and prestige.

13. As to working papers A/AC.182/L.60 and L.62 concerning the fact-finding activities of the United Nations, his delegation wished to emphasize that the sending of a representative or a fact-finding mission by the United Nations to the territory of any State required the prior consent of that State. At the same time, in accordance with article 2, paragraph 7, of the Charter, a fact-finding mission should not be used as a means of interference in the internal affairs of States.

14. With respect to section IV of the report of the Special Committee concerning the rationalization of United Nations procedures, his delegation had a number of questions and doubts about the way that issue had been conceived by France and the United Kingdom, the sponsors of working paper A/AC.182/L.43/Rev.3. It wished to reaffirm its view that the difficulties encountered by the United Nations must be solved without affecting its priorities, structures and democratic mechanisms, and that no measure should be adopted that would limit or reduce its basic activities or undermine its principles, particularly that of the sovereign equality of States. Romania shared the concern of the non-aligned countries over the frequent attempts to weaken the role of the Organization and erode the principles of the sovereign equality of States and the democratic functioning of the system. Any crisis confronting the United Nations had its origins in the failure to respect the fundamental principles of international law.

(Mr. Tanasie, Romania)

15. As to the Special Committee's future work, it should be remembered that it had not completed its work on the question of the maintenance of international peace and security. Its mandate for 1990 - the first year of the proposed United Nations decade of international law - should cover all the questions entrusted to it by the General Assembly and define clearly the work assigned to it so as to avoid contradictory interpretations of the tasks to be performed.

16. Mr. BELLOUKI (Morocco) said that the relaxation of international relations had had a beneficial effect on the work of the Special Committee on the Charter, whose latest session had proceeded in a constructive spirit marked by a genuine willingness to compromise. The participating States, aware of the changes taking place in the world, appeared to be rallying in a reasonable way around the idea of strengthening the role of the Organization, a role which had been decisive in the settlement or at least the attenuation of recent serious conflicts.

17. His delegation welcomed this positive development, which opened up new horizons for the Special Committee and ought to enable it to infuse the peace strategy envisaged in the Charter with new vitality. The maintenance of international peace and security should be made increasingly secure by keeping the balance between United Nations organs and by observing the Charter, while of course not overlooking the role of the Secretary-General.

18. The Special Committee should settle down to the task of improving the Organization's preventive diplomacy, but without going outside the sphere of activity traced by the Charter or encroaching on the sovereignty of States. Nor should it give in to the temptation of making purely abstract improvements, or launch out into implicit or explicit interpretations of the Charter. The Special Committee should also set itself the goal of adapting the Organization's institutional machinery to the role of maintaining international peace and security which had fallen to it and should refine its operational activities.

19. In that connection, the United Nations fact-finding activities were likely to help in the settlement of potential conflicts, although any duplication of bilateral efforts to circumscribe them should be avoided. That said, the mandate of a fact-finding mission should not go beyond the establishment of the facts, and still less should it assume a judiciary function. Such a mission should refrain from making judgements and should be involved only in determining the material facts, which ought to be established with the co-operation and the prior consent of the State in question. To require a unilateral statement of acceptance of a fact-finding mission or a statement of the reasons for refusal was not a good formula for ensuring its success.

20. The defusing of a latent conflict required prudence and patience and the United Nations should become involved without disregarding or encroaching upon the role that States were called upon to play in the maintenance of international peace and security and in the peaceful settlement of disputes.

(Mr. Bellouki, Morocco)

21. The Special Committee, by adopting the Romanian proposal on the resort to a commission of good offices, mediation or conciliation within the United Nations, had accomplished a considerable part of its mandate.

22. Priority should be given to drafting the handbook on the peaceful settlement of disputes between States so that it could be issued as soon as possible. The manner in which the Secretariat had proceeded so far suggested that, once completed, the handbook would be of undeniable practical usefulness. His delegation therefore hoped that work on the handbook would progress rapidly, with constant emphasis on the essentials and on the practical aspect of rules for the peaceful settlement of disputes. The fact remained, however, that the effectiveness of the means would depend less on their legal formulation than on the political will of the parties concerned.

23. The rationalization of procedures must be systematically directed towards perfecting the organizational structures of the United Nations in order to adapt them to changing activities and make them more effective. Nevertheless, the Organization's effectiveness, far from amounting only to a reduction in the number of resolutions and decisions or the abolition of a given subsidiary body, was still a product of the political will of Member States.

24. The resources of the Charter had not yet been exhausted. While providing for the pacific settlement of disputes and in Chapter VII for collective action, it insisted on the improvement of the international climate and established a link between the maintenance of peace and the world economic and social situation. Hence the need to promote international co-operation so that nations could have the feeling of "living together" and not separately, and would accordingly opt for a positive concept of peace.

25. The Special Committee should base its future work upon such considerations. It deserved to be supported, particularly at a time when the United Nations was regaining the confidence of the world community.

26. Mr. TREVES (Italy) said that the latest session of the Special Committee on the Charter had confirmed its vitality as a forum for developing ideas conducive to the reinforcement of the United Nations role, especially in the maintenance of international peace and security and the peaceful settlement of disputes.

27. As regarded the maintenance of international peace and security, General Assembly resolution 43/51 and the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, adopted in 1988 on the initiative of six delegations, among them his own, had opened the way for constructive work in the Special Committee. The Declaration had already had a significant echo in the 1989 report of the Secretary-General on the work of the Organization: there he stated that "efforts to prevent possible conflicts, reduce the risk of war and achieve definitive settlements of disputes, whether long-standing or new, are part and parcel of a credible strategy for peace. ... The prevention of armed conflicts

(Mr. Treves, Italy)

is a mandate envisaged in the provisions of the Charter relating both to the Security Council and to the responsibilities of the Secretary-General. ... It has been the general practice over the years to address a particular situation only after it has clearly taken a turn towards the use of force". And he went on to say that "experience has shown that it is far more difficult to stop hostilities after their outbreak than to restrain Governments from heading towards the point of no return". In 1989, the authors of the 1988 Declaration had submitted a new document entitled "Fact-finding by the United Nations to assist in the maintenance of international peace and security", which was a continuation and development of the Declaration.

28. The linkage between fact-finding and preventive diplomacy emerged not only from certain paragraphs of the 1988 Declaration which developed the subject, but also from the Secretary-General's reasoning in the report just mentioned. After having said that "in order to activate the potential of the Organization for averting wars, the necessity of earlier discussion of situations threatening to explode needs to be clearly recognized", he made the point that "timely, accurate and unbiased information is a prerequisite for that purpose". The aim of the 1989 working paper on fact-finding was to ensure that, as stated in paragraph 1, "the United Nations should have full knowledge of all relevant facts" and that such knowledge should be, as stated in paragraph 3, "impartial and detailed".

29. Of course, fact-finding was an activity that went beyond preventive diplomacy since fact-finding missions could usefully intervene in various phases of conflicts and disputes. It nevertheless seemed to the sponsors that, in order to contribute to the maintenance of peace and security, fact-finding should be used above all in conflicts and disputes that the Secretary-General had described as "situations threatening to explode" and that the sponsors of the document had called "potentially dangerous".

30. The sponsors were pleased that their document on fact-finding had been very well received and that it had given rise to detailed and judicious discussion. They nevertheless wished to make the following clarifications. Their document did not purport to be a restatement of the legal rules to be found in the Charter relating to fact-finding, which the document presupposed. It tried to build on those rules and make some suggestions regarding the behaviour of States. Those suggestions did not claim to be rules of law or to lay down an obligation, but aimed more modestly at indicating lines of conduct likely to create a better atmosphere in which United Nations organs could perform activities for the maintenance of peace and security.

31. Two examples seemed particularly important. The first was the suggestion contained in paragraph 7 that "in deciding on whom to entrust with a task of conducting a fact-finding mission, the Security Council and the General Assembly should resort, as a rule, to the Secretary-General". That paragraph did not mean, or even imply, that the General Assembly or the Security Council did not possess the legal competence to entrust fact-finding missions to some other individual or to engage in them directly; neither did it purport to give some new competence to

(Mr. Treves, Italy)

the Secretary-General. The paragraph simply meant that of the various legally permissible choices with respect to the carrying out of - and not, it must be emphasized, the decision on - a fact-finding mission, the choice of the Secretary-General was, in most cases, preferable and should be considered on a priority basis. It must be acknowledged that recent practice justified that suggestion. That seemed especially true since the main subject of the document was not legal disputes but political situations likely to endanger the maintenance of international peace and security.

32. The second example was the suggestion contained in paragraph 14, that "States should not refuse to admit United Nations fact-finding missions into their territory". In that connection, the sponsors of the document wished to point out that the translation of the English word "should" by the French word "doivent" instead of the conditional form, "devraient" had been responsible for a certain misunderstanding with respect to the nature of the suggestions. Thus, the suggestion had raised concerns on the part of various delegations, which seemed to be based on the idea that fact-finding missions could not, in law, be admitted in the territory of a State without the latter's consent and that to state a different principle would be to go against the sovereignty of that State and to accept the principle of intervention in internal affairs.

33. In the opinion of the sponsors, those concerns were based on an interpretation which failed to consider the general ideas by which the document was inspired. First, the document contained a suggestion and not a rule. Within that perspective, if fact-finding missions were normally admitted in the territory of a State, even when, according to the law, that State was entitled to refuse such admission, the international atmosphere would be less complicated and reciprocal trust would be enhanced.

34. Secondly, the legal rules on the admission of fact-finding missions in the territory of a State were neither univocal nor uncontested. While the general rule was that the consent of the State was necessary, there was also a rule that consent was not necessary in the case of fact-finding missions decided by the Security Council under Chapter VII of the Charter. At the same time, it was well known that opinions were divided as to exactly which decisions came under Chapter VII. All that was considered as a given by the document, which did not wish to innovate but merely to suggest that States should use their discretion to facilitate the task of the United Nations by making the admission of fact-finding missions normal practice.

35. Thirdly, the proposal did not run counter to the rule in the Charter pertaining to domestic jurisdiction. According to Article 2, paragraph 7 of the Charter, fact-finding missions which might constitute intervention in matters which were essentially within the domestic jurisdiction of States were not authorized; the Article went on to state that principle did not "prejudice the application of enforcement measures under Chapter VII". Those provisions were considered axiomatic by the document, which did not purport to change in any way the legal situation on that either.

(Mr. Treves, Italy)

36. His delegation and the other co-sponsors of the document on fact-finding activities welcomed the document on the same subject submitted by the delegations of Czechoslovakia and the German Democratic Republic. That new document, however, presented a different point of view: in many of its paragraphs, there was an attempt to reformulate the existing law on fact-finding. In so doing, the document sometimes oversimplified - though some corrections had been put forward after discussion - the law regarding the need for the consent of the State into whose territory the mission was to be admitted. Furthermore, the document limited itself in some cases to repeating the existing law, without attempting to make suggestions which, within the legal framework of the Charter, would be conducive to progress regarding the maintenance of international peace and security.

37. Finally, his delegation looked forward to continuing the discussions on fact-finding activities, with a view to elaborating a final document.

38. With respect to the peaceful settlement of disputes, it seemed that since the last session of the Sixth Committee, new trends were emerging in the direction of a more systematic resort to peaceful means, in particular the acceptance of third-party intervention. Thus, for the first time ever, the International Court of Justice was considering cases from all over the world. More and more States were recognizing the jurisdiction of the Court, either through general declarations in accordance with article 36 of the Statute of the Court or through treaties containing clauses which provided for compulsory submission to the Court, at the request of one party, of questions concerning the interpretation or application of those treaties. In addition, various declarations aimed at excluding the Court's jurisdiction under those treaties had recently been withdrawn by certain States. The United States and the Soviet Union were reportedly on the verge of recognizing the Court's jurisdiction over certain disputes that might arise between them. The growing use of third-party intervention was also highlighted in the Concluding Document of the Vienna Meeting of Representatives of Participating States to the Conference on Security and Co-operation in Europe, adopted on 17 January 1989.

39. That trend was not limited to industrialized nations. Cases concerning developing States were being referred with increasing frequency to the Court and to international arbitral tribunals. In their proposal for a "decade of international law", the non-aligned States accorded great significance to the peaceful settlement of disputes, even though they did not as yet go so far as to support mandatory settlement of disputes by a third party.

40. His country was fully aware that there were practical obstacles to the participation of developing countries in the settlement of disputes by a third party, especially when the International Court of Justice or the arbitral tribunals were involved. For that reason, two initiatives of the United Nations seemed particularly important. The first, announced by the Secretary-General, was the establishment of a voluntary trust fund to assist developing countries lacking the means for recourse to the International Court of Justice or for implementing its decisions. The second was the preparation of a handbook on the peaceful settlement of disputes between States; the draft chapters elaborated thus far by the

(Mr. Treves, Italy)

Secretariat indicated that the handbook would be very useful. His delegation hoped that the work would be pursued and speedily concluded.

41. The Special Committee had also concluded its consideration of the proposal on the resort to a commission of good offices, mediation or conciliation within the United Nations. While agreeing that discussions on the issue had "contributed to a better understanding of the importance and usefulness of good offices, mediation or conciliation as means for the settlement of disputes", his delegation felt that the amount of time spent on that project was unwarranted. It supported the recommendation that the proposal should be annexed to a decision to be adopted at the current session.

42. As the Special Committee was nearing the end of its consideration of questions concerning the peaceful settlement of disputes, it would be useful if it could move on to substantive work which would contribute effectively to the current positive trend in that area instead of going back over the same topics.

43. Mr. RAKOTOZAFY (Madagascar) reviewed the main sections of the Report of the Special Committee (A/44/33) and welcomed the Committee's recent success, which he attributed to the slow but steady improvement in the international situation, marked mainly by the rapprochement of the two super-Powers and the strengthening of the role of the United Nations in the maintenance of international peace and security. Until quite recently, the Committee's work had been blocked by dissension between the two super-Powers; yet at its last session, it had adopted by consensus the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security. In consequence, the Special Committee must make the most of the current positive climate in order to make rapid progress in its work.

44. The Special Ministerial Conference of the Movement of Non-Aligned Countries on peace and international law, held at The Hague from 26 to 30 Jure 1989, had adopted an action programme for the United Nations Decade of International Law (1990-1999), stressing in particular the promotion and strengthening of peaceful means of settling disputes among States, including recourse to the International Court of Justice and implementation of its decisions, and respect for international legal principles which opposed the threat or use of force, intervention, interference or any other form of coercion in international relations. The attainment of those objectives presupposed, on the one hand, the elaboration of specific legal rules governing the behaviour of States and, on the other, the establishment of efficient machinery making possible the prevention and peaceful settlement of disputes.

45. Chapter VI of the Charter provided a whole range of means of settlement. It was the particular responsibility of the Special Committee to define the machinery which would make it possible to apply them. Hence the importance of the proposal to establish a commission of good offices, mediation or conciliation within the framework of the United Nations. While preserving the sovereign right of States to use peaceful means of their own choice, that body might be able to provide a framework for achieving a settlement. Hence also the value of the Secretary-

(Mr. Rakotosafy, Madagascar)

General's proposal to set up a special trust fund for developing countries which did not have the means for recourse to the International Court of Justice or for implementing its decisions. Hence also the initiative of the Non-Aligned Movement concerning the establishment of a working group to study proposals and the working papers submitted in the field of the peaceful settlement of disputes.

46. His delegation called on the Special Committee on the Charter to conclude its consideration of the item on the fact-finding activities of the United Nations as soon as possible. The two working papers before that body were complementary and it could be hoped that the General Assembly would, at its forthcoming session, be in a position to adopt a final document. That would free the Special Committee for other questions, in particular that of ways and means of strengthening the role of the International Court of Justice and of extending its compulsory jurisdiction.

47. In conclusion, he said that he was optimistic. Yet, his country had neither a deterrent force nor sufficient military capacity and relied solely on the force of words and of ideas. There could not be fundamentally different views concerning the strengthening of the role of the Organisation. As the Secretary-General had always stressed, when an effort was made to improve the functioning of the United Nations, priority must be given to the cohesion and co-operation of Members in the face of the threats to international peace.

48. Mr. MIKULKA (Czechoslovakia) welcomed the atmosphere of respect and accommodation which had prevailed throughout the session of the Special Committee on the Charter, which was so conducive to the solution of the difficult questions before it. It was to be hoped that that trend would continue thus further enhancing the Committee's effectiveness.

49. In resolution 43/170, the General Assembly had invited the Committee to study the fact-finding activities of the United Nations. Two working papers (A/AC.182/L.60 and L.62) had been submitted to it and it had therefore had from the outset a rich and representative basis of specific proposals. Many delegations had pointed out that the two documents complemented each other. In any event, and although prompted by different considerations, they testified to the existence of a great number of points of agreement on the major questions, which gave reason to expect rapid progress in the work. The deliberations of the Special Committee had been extremely useful and informative in that they had made it possible to have a better understanding of the advantages and disadvantages of each position and had facilitated the identification of areas of agreement and of the difficulties which existed in that field.

50. The importance of the work done with regard to the fact-finding activities of the United Nations would depend on how successful the Special Committee was in adapting the rules sanctioned by established practice to the requirements of the contemporary world, from the standpoint of the revitalization of the role of the United Nations, particularly in the field of the maintenance of international peace and security. Recent practice offered interesting and innovative ideas relating to

(Mr. Mikulka, Czechoslovakia)

verification of the implementation of international agreements and decisions of the United Nations bodies concerning the resolution of situations which threatened international peace or security. Those ideas deserved detailed study as a source of information on modern fact-finding practice.

51. It was not always easy to define the line of demarcation between fact-finding activities stricto sensu and verification and observation activities. While concentrating on fact-finding, the Special Committee should also formulate conclusions in keeping with practical requirements, which often went beyond the framework of theoretical considerations. It was that pragmatic approach which had led to the studies carried out previously on the same subject, under General Assembly resolutions 1967 (XVIII) and 2104 (XX). The work being done at the present time should be guided by the same flexible approach.

52. Rationalization of United Nations procedures was another question which had been usefully discussed in the Special Committee. A working paper had been submitted by France and the United Kingdom, which had presented interesting ideas and been welcomed by the other members. It was perhaps premature to speak already of the final form of the document, but a set of conclusions might possibly be annexed to the Rules of Procedure of the General Assembly, as had been proposed in the Committee.

53. Another subject deserved attention, namely that of the peaceful settlement of disputes between States. His delegation could only welcome the conclusion of the Special Committee's consideration of the working paper on the recort to a commission of good offices, mediation or conciliation within the United Nations, which had been undertaken several years previously at the initiative of Romania. The Special Committee recommended that a text should be annexed to a decision of the General Assembly. The text was a realistic response to the requirements for the elaboration of procedures for peaceful settlement, an elaboration reaffirmed by the unanimous adoption in 1982 of the Manila Declaration. The set of provisions relating to good offices, mediation and conciliation would become a useful reference source for States when they considered having recourse to such procedures.

54. The role of the International Court of Justice had also become a highly debated topic, and the President of the International Court himself had been able to communicate his optimism to the Commission. The position of Czechoslovakia on that point was guided by caution as a result of its disastrous experience in the past - the so-called Vienna arbitration, on the eve of the Second World War, which had concerned the territorial claims on its territory and which, together with the Munich Conference, had constituted a conspiracy with tragic consequences for Czechoslovakia.

55. Although it had suffered, Czechoslovakia did not have an a priori negative attitude with regard to the judicial settlement of disputes. It had therefore accepted the compulsory jurisdiction of the International Court of Justice within the framework of 18 international treaties. Moreover, that number should increase when the Czechoslovak Parliament approved the Government's proposals it was

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currently considering, which were designed to ensure the country's accession to the 1986 Vienna Convention on Treaties between States and International Organizations and to withdraw the reservation made by Czechoslovakia with regard to the compulsory jurisdiction of the Court when it had ratified the 1969 Vienna Convention on the Law of Treaties. There, too, Czechoslovakia intended to withdraw the reservations it had made in 25 other multilateral treaties containing a clause providing for the compulsory jurisdiction of the Court.

56. In section V of its Report, the Special Committee reviewed the progress of work on the draft handbook on the peaceful settlement of disputes. In that connection, the Czechoslovak delegation wished to express its gratitude to the Codification Division on the progress made in that field, which it considered to be particularly useful.

The meeting rose at 11.45 a.m.