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President: Mr. GARBA (Nigeria)
later: Mr. ABDOUN (Sudan)
(Vice-President)

- United Nations Decade of International Law: draft resolution [149]

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 149

UNITED NATIONS DECADE OF INTERNATIONAL LAW: DRAFT RESOLUTION (A/44/L.41)

The PRESIDENT: I call on the representative of Yugoslavia, who will introduce draft resolution A/44/L.41 in the course of his statement.

Mr. PEJIC (Yugoslavia): I have the great honour and satisfaction of introducing on behalf of a large group of countries the draft resolution (A/44/L.41) declaring the United Nations decade of international law.

At the outset, I should like to inform the Assembly that, in addition to the sponsors listed in document A/44/L.41, the following countries have become sponsors of this important draft resolution: Belgium, China, Denmark, the Federal Republic of Germany, France, Ghana, Greece, Guatemala, Iran, Jordan, the Netherlands, Norway, Panama, Sweden, Suriname, the United Kingdom and Viet Nam.

Thus, broad support has been extended to the draft resolution by a large number of countries from all regions and groups. That is the best confirmation of the universal character of this initiative and of the importance attached in international relations to international law and to the strengthening of the rule of law.

On this occasion let me briefly recall the history of this initiative.

On the basis of the decision of the ministerial meeting of non-aligned countries in Nicosia, Cyprus, in September 1988, an extraordinary ministerial meeting of non-aligned countries on peace and the rule of law in international affairs was held in The Hague last June to commemorate the ninetieth anniversary of the first International Peace Conference at The Hague, in 1899, which adopted the first international agreements on the peaceful settlement of international disputes and led to the creation of the Permanent Court of Arbitration, the world's first such body.

(Mr. Pejic, Yugoslavia)

The idea for the convening of the ministerial meeting was based on the non-aligned countries' deep conviction that it is necessary to strengthen the rule of law in contemporary international relations. The initiative to proclaim at the forty-fourth session of the United Nations General Assembly the 1990s as the United Nations decade of international law was strongly supported by the Heads of State or Government of the non-aligned countries at their ninth summit conference, held in Belgrade in September.

(Mr. Pejic, Yugoslavia)

On behalf of the non-aligned countries we have conducted broad consultations during this session with interested delegations of all groups of countries with the aim of working out the text of a draft resolution on this issue that would enjoy general support. For successful results can be expected during the decade if actions to be conducted within its framework enjoy the broadest support of the international community.

I am glad to be able to state that after intensive consultations the text of this important draft resolution enjoys general support.

According to the draft resolution, the General Assembly would recognize, first and foremost, that one of the main objectives of the United Nations decade is the promotion of, and respect for, international law, which is of paramount importance for the maintenance and strengthening of international peace and security for which purpose it is necessary to resolve international conflicts by peaceful means. It would also emphasize the role of the United Nations in promoting greater acceptance of, and respect for, the principles of international law as well as in encouraging the progressive development of international law and its codification, and in that regard the importance of encouraging the teaching, study, dissemination and wider appreciation of international law.

I want to express particular satisfaction that the idea of declaring the United Nations decade of international law at this session of the General Assembly met with general acclaim. The main purposes of the decade are to promote acceptance of and respect for international law; 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 and compliance with its judgements; to encourage progressive development and codification of international law; and to encourage the teaching, study, dissemination and wider appreciation of international law.

(Mr. Pejic, Yugoslavia)

There remains the task of working out the programme of activities for the decade, and the Secretary-General is therefore requested to seek the views of States and appropriate international bodies, as well as of the non-governmental organizations, on programmes and activities during the decade, including the possibility of holding a third international peace conference or any other suitable international conference at the end of the decade.

The unanimous support for the proclamation of the United Nations decade is eloquent proof of the importance the United Nations attaches to the progressive development of international law and its codification. I would be failing in my duty if I did not mention that recognition for the remarkable achievements in this field is due the United Nations, in particular the International Law Commission and the Sixth Committee of the General Assembly. The list of important international legal instruments that have been prepared within the United Nations and are now a constituent part of positive international law is very long indeed.

Of course, much remains to be done in this field. Dynamic developments in the world bring about growing interdependence and the need for greater co-operation among peoples and countries. The emergent processes call for appropriate international legal regulation.

Current developments have thrown into even sharper focus respect for international law and for the rule of law in international relations. It is our deep conviction that this is the proper way to promote peace, social and economic justice, human rights and ecological equilibrium. This is an important challenge for international law-making activities. ~~Of course~~, we are not suggesting that everything can be achieved by purely legal means; yet we firmly believe that the transition from confrontation to co-operation in international relations cannot be accomplished without the strengthening of the rule of law in international relations.

(Mr. Pejic, Yugoslavia)

The decade provides an opportunity to accelerate work on the preparation of appropriate international legal instruments, particularly in fields that so far have not been regulated legally at the international level. It is our conviction that this action can make an important contribution to the cause of universal peace and harmony among peoples and nations on the threshold of the twenty-first century.

Mr. TUERK (Austria): Permit me, first of all, to express the great pleasure of the Austrian delegation at being able to join in the debate on the important new item under discussion, the declaration of a United Nations decade of international law from 1990 to 1999. Austria, having consistently advocated and upheld the primacy of the rule of law, welcomes this new initiative by the Movement of Non-Aligned Countries, giving new emphasis to the further enhancement of the rule of law in international relations.

As we are all aware, international law constitutes the very foundation of our present-day international community and provides the basis for the peaceful resolution of conflicts among its members. Therefore, growing awareness by States of the fundamental importance of scrupulous respect for international law, as well as of its progressive development and codification, is essential to speed up our long march towards the realization of a peaceful world. The proposed decade of international law, by promoting acceptance of and respect for international law and means and methods for the peaceful settlement of disputes between States, by encouraging the progressive development and codification of international law and by furthering the teaching, study, dissemination and wider appreciation of international law will, it is hoped, enable the international community to take a major step forward in this direction. Austria was therefore very pleased to become a sponsor of the draft resolution now before the General Assembly under the present agenda item.

(Mr. Tuerk, Austria)

The promotion of the rule of law in international relations is one of the basic tasks of the United Nations designed to bring us closer to the goal of a peaceful world. For, in today's international community composed as it is of States differing in size and power as well as in political, economic and social systems, only international law is able to mitigate these differences by applying the principle of sovereign equality.

(Mr. Tuerk, Austria)

The real progress which has been made over recent decades with respect to the progressive development of international law and its codification is in no small measure due to the important work done by the legal bodies of the United Nations, such as the International Law Commission and the Sixth Committee of the General Assembly. However, new problems and challenges which require action by the international community continue to arise. Austria is of the opinion that the decade of international law to be proclaimed for the period from 1990 to 1999 will provide new impetus for the further development and codification of international law. In this connection I should like to mention as examples the further development of international humanitarian law made necessary by the progress in arms technology, and the preparation of international legal instruments relating to the protection of the environment, dealing, inter alia, with questions of information, co-operation, reparations and prevention in the sphere of ultra-hazardous activities.

Those new challenges and problems facing the international community should in the view of my delegation be borne in mind when the Sixth Committee is called upon at the forty-fifth session of the General Assembly to prepare recommendations for the decade. In this context, however, I should like to stress that declaring a United Nations decade of international law will prove to be truly useful and successful only if the Sixth Committee genuinely strives for generally agreeable solutions when preparing a programme of work for the decade; for both the promotion of respect for existing instruments of international law and the progressive codification of such law can be achieved only if all members of the international community are ready to combine their efforts.

Increasing the codification and development of international law cannot, however, ensure world peace if it does not also encompass mechanisms for the

(Mr. Tuerk, Austria)

peaceful settlement of international disputes. Accepting the supremacy of law in international relations must lead to the recognition of the competence of an international judiciary body to deal with a case when two or more States cannot agree on the interpretation or application of a rule of international law. In this connection, increasing attention must be paid by members of the international community to the possibilities for the settlement of disputes by the International Court of Justice. Austria has taken note with particular interest of the establishment by the Secretary-General of a trust fund, based on voluntary contributions, to assist States in the settlement of disputes through the International Court of Justice.

I may add that in 1971 Austria declared its acceptance of the compulsory jurisdiction of the International Court of Justice; it has, moreover, accepted every optional protocol providing for the mandatory jurisdiction of the Court in case of a dispute regarding the application of the legal instrument in question. That shows my country's firm conviction that improvement of the system of the peaceful settlement of disputes between States, and in particular the strengthening of the role of the World Court, could significantly contribute to international peace and security.

We are therefore very gratified indeed that one of the main purposes of the decade will be the promotion of means and methods for the peaceful settlement of disputes between States, including resort to the International Court of Justice. In Austria's view this clear signal by the General Assembly which will be given through the adoption of draft resolution A/44/L.41 will bear witness to a significant shift in the attitude of States as regards the settlement of disputes in general and the role of the International Court of Justice in particular.

(Mr. Tuerk, Austria)

We have also warmly welcomed the various other initiatives taken with a view to strengthening the mechanisms for the peaceful settlement of disputes. Permit me to express the sincere hope of the Austrian delegation that this new attitude will contribute to making the United Nations decade of international law a success.

Finally, I wish to assure all the members of the international community of Austria's full support and co-operation in the achievement of this goal.

Mr. SERRANO CALDERA (Nicaragua) (interpretation from Spanish): Nicaragua is participating today in the debate on the item entitled "United Nations decade of international law" with particular satisfaction. This is a new and very important item for this and future sessions of the General Assembly.

The debate today is taking place because of the vision and hard work of the Non-Aligned Movement in the area of international relations. The request by the Non-Aligned Movement for the consideration of this item at the forty-fourth session of the General Assembly is based on the Cyprus Declaration, on the Hague Declaration adopted by the extraordinary ministerial meeting of the Non-Aligned Movement, and on the decision of the ninth summit Conference of Heads of State or Government of the Non-Aligned Movement adopted in Belgrade in September this year.

Perhaps a few conceptual comments on the historical role of international law would be in order. They could serve as a kind of context for our future work in this sphere.

International law is not an abstraction but a historical phenomenon that must express its reality and at the same time serve as an instrument to reproduce that reality. Thus, law is and always has been an instrument that reproduces the social system that generated it, thereby creating - within the dialectics of society - a movement of mutual influence and dual direction, going from the base to the apex and from the apex to the base.

(Mr. Serrano Caldera,
Nicaragua)

International law must also be an expression of the objective reality of international relations. For that reason, when we talk about international law we must have in mind not only a system of logical, rational rules beyond space and time but also a system of legal rules which reflect a given reality, translate that reality into rules and help to reproduce it.

For all those reasons, we cannot dissociate the reality of international relations from the possibilities and objectives of international law. International law, within its own frame of reference, expresses in one way or another the idea of the social contract.

In a vast, very complex society, such as international society, which has complicated, diverse legal systems and different, and even contradictory, political, economic, social and ideological concepts, subjecting basic freedoms to a civil freedom born of consensus is, in today's world, vital to the coexistence of nations.

The idea of the social contract as the rational condition for creating the bases for coexistence between persons and between society and the State has become a historical imperative for the nations of the world. The formation of a new international law, in keeping with more humane and more just values, is an absolute necessity if we are to build a world of peace. Putting an end to wars is not enough. That is necessary, but it is not sufficient. War destroys peace but the destruction of war will not restore the complete reality of peace.

(Mr. Serrano Caldera,
Nicaragua)

Peace, furthermore, means respect for the right of all peoples to self-determination and for the right of all persons to a life in dignity. Peace is not merely the absence of war; it is the reality of life in freedom and dignity, of respect for the moral values of the human person and of respect for self-determination and the sovereignty of peoples.

The implementation of and compliance with the new international economic order without the abolition of profiteering practices in international relations has made of the external debt an instrument of exploitation further mortgaging our resources that had been usurped for centuries and, furthermore, prejudicing our future, our identity and our historical potential as peoples.

Peace means the recognition that, in spite of fundamental differences, the peoples of the North and the South have a common destiny; that recognition of our countries, the reordering of international relations and the promotion of external co-operation are not acts of charity nor concessions graciously accorded but are inescapable paramount historical necessities, because without our development the industrialized countries will succumb and our collapse will also be the collapse of the system. Hence it is obvious that we must now more than ever before view mankind as a whole.

Peace means building society on a state of law, recognizing the inherent dignity and the equal and inalienable rights of all members of the human family, the aspiration to live in a world free from fear and want, effective universal respect for the fundamental rights and freedoms of man, as proclaimed in the preamble of the Universal Declaration of Human Rights.

Peace also means the right of all peoples to self-determination, by virtue of which they may freely determine their political status and freely pursue their economic, social and cultural development, as is proclaimed in article 1 of the

(Mr. Serrano Caldera,
Nicaragua)

International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights.

We therefore believe that new international law must not only enshrine the principle of the legal equality of States and create machinery which will make it possible for this philosophical, legal principle to become a political and social reality, and it must also be closely connected and interrelated with economic, social, political and military realities that determine international relations as a whole.

By all this we mean that international law and law in general is not only a logical, rational abstraction, as conceived in Kelsen's theory of the law, nor is it just an absolute affirmation of the juridical norm that proclaims positivism. We also believe that international law is not a mere superstructure without identity, unilaterally determined by economic and social factors; it is a reality which, while not denying such factors, has its own specific nature and, in turn, exercises influence on the forms of production, on national law and international relations, and in the case of international law, it is thus a two-way dialectical movement between the economic and social spheres and the legal sphere. It is not pure abstraction, nor simply an appendage; it is not a legal norm devoid of basis, nor the mere by-product of an underlying reality.

International law must be the expression of that international reality from which it springs and, at the same time, a guarantee and reproductive force generating the basic values that form the new fabric of international relations.

Hence, the efforts all of us will be called upon to make during the next Decade of International Law will require deep reflection, rethinking of concepts and an assessment of what international law has been and of what it can become in a future world free of wars, threats and abuse.

(Mr. Serrano Caldera,
Nicaragua)

This initiative of the Movement of Non-Aligned Countries is not mere happenstance. It is the expression of the will of 103 countries of the international community; it is the direct consequence of a universal awareness of the need for the establishment of more civilized forms of human coexistence and the creation of a new world free from aggression and violence, a world without any form of occupation or foreign domination. It is the hope of many peoples on Earth who yearn for new forms of peaceful coexistence based on full respect for the principles governing international relations among sovereign States.

Our delegation is fully convinced of the urgent need for this forty-fourth session of the General Assembly to declare the period 1990-1999 the United Nations Decade of International Law. In this connection, we would like to offer a few thoughts reflecting Nicaragua's determination to respect international commitments and to work for a solution to conflicts by peaceful means in a world governed by law and not by force.

Why should there be a United Nations Decade of International Law? The preamble of the United Nations Charter expresses the resolve of all peoples:

"To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

As representatives of our peoples we are committed to the universal nature of the Charter and to the inescapable duty to uphold its objectives and promote national and international measures aimed at strengthening the universal role of the United Nations.

(Mr. Serrano Caldera,
Nicaragua)

We are now on the threshold of a new decade - the last of this century, indeed, of this millennium. In 10 years the twentieth century will come to an end. This century has been marked by the two greatest disasters created by man: the First and Second World Wars. It is a century characterized also by the struggles for self-determination and independence in Africa, Asia, Latin America and elsewhere on Earth.*

* Mr. Abdoun (Sudan), Vice-President, took the Chair.

(Mr. Serrano Caldera,
Nicaragua)

A century of wars, of an arms race, nuclear weapons and cold war, a century of poverty, hunger, malnutrition, illiteracy, foreign debt and underdevelopment for poor peoples, is coming to an end, and all this misery created by human beings has not yet been abolished. With the ending of the century we should like to see also the ending of mankind's scourges and sufferings. We are entering the last decade of a century in which the world has been divided into two halves: on the one hand the North, rich and industrialized, and on the other hand the South, poor and underdeveloped. This century which is coming to an end has been a century of injustices, of failure to respect the basic principles of international law, and of inequality in economic relations among nations - a century in which force has prevailed over reason, justice and law.

However, we must not forget that this twentieth century has also been a century of economic, scientific and technological development for some nations - but not for the majority. The oceans and outer space have been conquered. Extraordinary progress has been made in all areas of science and technology without a development of similar proportions in moral values, in the disciplines of the mind and in respect for the rights of individuals and peoples. Only a minority of nations enjoys these technological advances; all the rest have limited access or no access at all to these achievements, which, taken together, are the results of world-wide human activity and therefore should benefit mankind as a whole and lead to mankind's salvation and not to exploitation, to the promotion of a feeling of solidarity among human beings and the creation of an awareness of a common destiny and world-wide solidarity.

It is almost 50 years since the Organization was established: the greatest achievement of the international community. However, we have not yet been able

(Mr. Serrano Caldera,
Nicaragua)

completely to attain purposes and principles of the Organization. We have not been able to rid ourselves of the scourge of war; there is still egotism and injustice; and colonialism and interference in the internal affairs of States are not yet things of the past. The use of force and the threat of the use of force in international relations persist, and the principle of the legal equality of States and many of the commitments deriving from treaties and from the principles and objectives of international law are still not respected. The sovereignty of small States also is still not respected, and the shameful system of apartheid, a crime against mankind, still exists. There are still attitudes which undermine the authority of the United Nations. There are still those who try to disregard decisions and resolutions of this great body, thereby obstructing the smooth functioning of the multilateral system as a whole and also endangering the maintenance of peace and the commitments to internationally accepted rules of security.

During these 50 years it has not been possible to create lasting peace; it has not been possible to create lasting harmony between nations; and in most cases it has not been possible to resolve conflicts by peaceful and civilized means.

As the Foreign Minister of Nicaragua, Miguel D'Escoto, said in his statement at the opening of the Conference of non-aligned countries on peace and international law, held in The Hague from 26 to 29 June this year:

"If we are unable to adopt effective measures to curb, once and for all, these forms of conduct that violate the international legal order and the most sacred principles of peace, development, self-determination and independence, if we continue to accept the use of force with impunity against law, we shall be contributing to the development of an inevitable process of self-destruction of the human species".

(Mr. Serrano Caldera,
Nicaragua)

The United Nations, in spite of the difficulties encountered throughout these decades, has played an extraordinary role in the maintenance of peace, co-operation and international security. But, although it has made great efforts, much remains to be done. This stabilizing universal role described in the Charter must be respected and broadened, international relations must be transformed, and the authority of the Organization as a driving force for historical change must be strengthened. We are convinced that the best way to work along these lines and to attain the purposes of the Charter is to consolidate the authority of the international institutions, promote the creation of universal legal instruments, and promote broader acceptance of and respect for the principles of international law, their progressive development and their subsequent codification.

For all those reasons, international law is, and should be even more in the future, the fulcrum in relations among all the peoples of the world.

At the threshold of the twenty-first century, mankind is still facing difficult trials. The world is increasingly interdependent, and the majority of the problems and conflicts require global strategies, which in turn require universal legal instruments, within the framework of the principles of justice, equity and co-operation between States.

This initiative of declaring a United Nations decade of international law undoubtedly provides an excellent opportunity to strengthen the international legal system. It is a guarantee for nations large and small that legal equality between States and the peaceful coexistence of nations will be respected. The United Nations decade of international law can provide a new world political framework in this field.

(Mr. Serrano Caldera,
Nicaragua)

For some time we have noted certain changes in the status quo of international relations, and this seems to be creating a new pattern of world-wide relations and giving us reason to hope for a new era of peace, disarmament, freedom and social justice. We are happy to think that the world can change for the better. But will it be possible to have a new world without greater respect for and stricter observance of the principles and rules of international law? Without any doubt, the reply is in the negative, for a new pattern of international relations is inconceivable in a vacuum, in a new world in which there is inequality and injustice.

We believe that the decade of international law is intrinsically related to what is happening in the world. As we have already said, we are convinced that there is an indissoluble link between international law and the concepts and practices of peace, development and democracy. There can be no peace as long as might is right. There can be no peace as long as the system of international relations creates, maintains and reproduces unjust economic relations, external debt with outrageous interest rates, exploitation, and injustice in the terms of trade. The existence of such inequalities and arbitrariness in the very system of international relations has made it impossible - and continues to make it impossible - for democracy to become a real fact of life, since democracy cannot be fostered when unjust international relations are being fostered at the same time.

In this interdependent world in which we live, democracy must also be a concept and an interdependent practice. There cannot truly be democracy in a country taken individually while we do not have democracy in all international relations. There cannot really be democracy as long as the law underlying democracy is not based on economic and social justice.

(Mr. Serrano Caldera,
Nicaragua)

For this reason, together with representative democracy, which is based, inter alia, on universal suffrage, there must also be participatory democracy guaranteeing access by all, and not just a privileged few, to material goods, the intellectual and moral benefits of the national society and the international community. Nevertheless, as we well know, this will not be possible if we do not have effective democracy in the system of international relations, conceived as one in their various economic, social, political and cultural aspects.

The international law of the future must help create a proper framework for the promotion of just relations among all the peoples of the world.

I wish now to make a few comments on the context and objectives of the decade.

The United Nations decade of international law would provide the ideal foundation for beginning a new century and ending this millennium not only with real hopes for peace and security, but also with new and better instruments for preserving justice and equity and putting into practice the dream of those who draw up the United Nations Charter.

It is important that the decade be used for a process of renewal of international commitments and be conceived of as a democratic and democratizing instrument that will increasingly strengthen the authority of the United Nations in the settlement of conflicts. In addition, the decade must provide an opportunity to assess anew the international legal system, its role and its future within the historical reality of a changing and interdependent world.

The objectives of the decade must be in keeping with the interests of the various States and must be based on the recognition that the norms and principles of international law are the best basis for the settlement of conflicts and that strict observance is the best guarantee of the preservation of peace and the promotion of human freedom and justice, which are the supreme objectives of mankind.

(Mr. Serrano Caldera,
Nicaragua)

While the United Nations decade of international law should promote the settlement of conflicts by peaceful means and also academic and scientific activities at both the national and the international level to bring about a better understanding of international law. It should encourage the consolidation, development and subsequent codification of the law and consideration of the possibility of new methods and strategies to ensure strict respect for and observance of the law.

The bodies and specialized agencies of the United Nations system must be allowed to play a decisive role in efforts to ensure the attainment of these objectives and the effective implementation of the strategies.

We are convinced that the preparatory work for the decade will constitute one of the most relevant and energetic efforts of the Sixth Committee. The Secretary-General will have the important responsibility, immediately after the decade is declared, of setting in motion the action necessary for the preparation and submission to the General Assembly at its forty-fifth session of a draft programme of action, which should include the activities essential to the attainment of the objective of strengthening and developing international law and fostering its pre-eminence in international relations.

In our opinion, special attention should be given in the programme of action to the promotion and strengthening of peaceful means of settling disputes among States, including recourse to the International Court of Justice and strict compliance with its judgements. In this context, one of the objectives of the programme of action should be the preparation of a draft universal convention on the peaceful settlement of disputes.

(Mr. Serrano Caldera,
Nicaragua)

Given the indissoluble link between peace and international law, the programme of action must consider the preparations for the third international peace conference, to be held at The Hague towards the end of the decade to commemorate the one-hundredth anniversary of the first International Peace Conference and, at the same time, to ensure by means of the conventions and legal instruments that will be adopted by the conference, the opening of the twenty-first century in an atmosphere of trust and with confidence that we can move towards a just and peaceful world.

Because of the importance of this decision, the possibilities it will open up and the hope it will arouse, we support the appeal to the General Assembly to adopt the present draft resolution without a vote and unanimously.

Miss FULECIO (Colombia) (interpretation from Spanish): The delegation of Colombia considers it a great honour to take part in this initiative convening the dedication of a decade of international law. This would undoubtedly be the best expression of the feelings of the international community and the best interpretation of the international climate of understanding and the desire to build a better tomorrow in which peace and development will replace conflicts, respect for the rights of others will be guaranteed and reason and justice will prevail over political interests and egotistical decisions based on force.

Nothing could be more timely than this initiative on a decade of international law just as we are on the threshold of a new century. We have seen great discoveries, but at the same time we have seen many tragedies which it is impossible to erase from the pages of history.

(Miss Pulecio, Colombia)

It is the duty of each one of us, of our Governments and of our peoples to give a ray of hope to tomorrow's generations. We have an obligation to stress the observance of norms, create new models of understanding, encourage the process of decolonialization and the self-determination of peoples, eradicate apartheid, and work out and practice acceptable peaceful means of settling disputes, so that we can put an end once and for all to situations that endanger peace and limit the development of peoples. By the end of the decade the threat of war and the use of force in international relations must give way to an increasingly integrated civilization, to a culture with young values, in which there is no longer belief in division of the world by cardinal points or colour of skin; a culture that is based on kindness, freedom, respect for human rights and a balance between natural laws and the truth of justice. Therefore we must approach the decade with the weapons of reason. Only thus, with political will based on law and with strict compliance with the principles and norms already adopted, can we not only guarantee survival but also eradicate such scourges as hunger and poverty, and make the life of man more dignified.

I should like to point to a number of elements and aspects which in the opinion of my delegation should be taken into account if the decade is to have the best possible results. The consolidation of the principles of international law and the reaffirmation of the purposes and principles of the United Nations Charter must be the foundation for a decade such as has been proposed with regard to international law.

(Miss Pulecio, Colombia)

In that connection, we believe that its basic assumptions should serve as a framework for the consideration of the programme that is adopted. We must also take into account those provisions already adopted within the Organization or under its auspices which are relevant in this sphere.

The decade must also focus its attention on the promotion of and compliance with means for the peaceful settlement of disputes, including acceptance of the compulsory jurisdiction of the International Court of Justice. In that context stress must be laid on the responsibility of States when judgements of the International Court of Justice are not complied with; this has a destabilizing effect on the international legal order.

We must also reiterate that a means of settling disputes is compliance in good faith with obligations that are internationally undertaken. This is a basic pillar of the proper development of the community of nations.

In our delegation's opinion we must strengthen the International Law Commission's legal activities in codifying and developing international law so that it can in the immediate future focus its important work on matters of general interest.

For all those reasons, we are pleased to co-sponsor draft resolution A/44/L.41, on the item before us.

Mr. ZACHMANN (German Democratic Republic): My delegation welcomes the inclusion of the item "United Nations decade of international law" in the agenda of this year's General Assembly session. We believe that the declaration of a decade of international law is a timely initiative which can give an impetus to a broad international exchange of views on the current and future tasks of international law. The course that the discussion on this item has taken so far shows clearly that such an exchange of views is already under way.

(Mr. Zachmann, German Democratic Republic)

History has proved that international law is dynamic, susceptible to continuous change and development. Like a mirror, it shows how States react to the challenges of times and what lessons they draw from the past. One such lesson drawn from the terrible losses suffered in, and the destruction wrought by, the Second World War was that succeeding generations must be saved from the scourge of war. When the United Nations adopted its Charter, this marked a departure from the jus ad bellum to the jus ad pacem, because States recognized the principle of the non-use of force in international relations enshrined in that Charter. Thus, the duty of all States to keep the peace was laid down in legal language.

Yet it is a lamentable fact that even the adoption of the Charter, the basic document of contemporary international law, has so far not wiped war off the face of the earth. This is a cause for concern - all the more because mankind today has at its disposal weapons of destructive power unparalleled in human history. It is now well established that the use of only a small fraction of the nuclear arms amassed would escalate into a catastrophe which would turn our blue planet into a dead celestial body. The nuclear sword of Damocles, which has been hanging over us for decades now, is the source of an immediate threat to the existence of humankind. Hence the need for making the disarmament process irreversible. That is true above all of the elimination of nuclear weapons. Given the death-dealing potential of armaments the world over, attempts to destabilize the European post-war order which was agreed in terms of international law, and to interfere in the affairs of other States, might well spark off peace-endangering conflicts.

We are convinced that international law can make an effective contribution to the strengthening of peace and trustful co-operation between States.

Apart from the issue of war and peace, we have to face up also to other global

(Mr. Zachmann, German Democratic Republic)

problems which have a direct bearing on the existence of mankind. Here I wish to point in particular to the threat which the pollution of our natural environment poses to our generation and to our children. The establishment of a more just economic order in the world, the eradication of hunger and dangerous diseases, the fight against international terrorism and narcotic drug abuse are all issues waiting to be resolved.

The delegation of the German Democratic Republic holds that a solution to those truly global problems can be reached only if all nations co-operate, showing a sense of responsibility. We have therefore noted with satisfaction that this view is gaining ever more ground among States. The Hague Declaration of the meeting of the Ministers of Foreign Affairs of the Movement of Non-Aligned Countries is also imbued with this spirit - namely, to promote greater acceptance of and respect for international law and to encourage its progressive development and codification.

We firmly believe that international law as a regulator of State-to-State relations has an important role to play when it comes to solving those and other problems facing mankind. International law will, however, exert a beneficial influence on international relations only when it has primacy in politics and State practice. That means, in our view, above all that a State is permitted to act only within the framework prescribed under the terms of international law. Each State has to respect the legitimate interests of other States. Arbitrariness, abuse of power and anarchy are thus precluded. History has taught us that abuse of the rule of law will always lead to tension and conflicts. Since in the present situation conflicts are highly dangerous, the primacy of international law is a sine qua non for the survival of humankind.

(Mr. Zachmann, German Democratic Republic)

In this context an agreed interpretation of the contents and application of the fundamental principles of international law, as set forth in the United Nations Charter, is a topical task which the international community has to address. Suitable mechanisms should also be considered that would ensure compliance with obligations undertaken.

That is one of the reasons why the further concretization of the principle of the peaceful settlement of disputes is gaining in importance. Disputes and conflicts between States are normal, and a result of the diversity of international life. However, the international community should be wise and level-headed enough to ensure that these disputes do not threaten international peace and security.

(Mr. Zachmann, German
Democratic Republic)

We therefore consider it fitting and useful to discuss also ways and means to strengthen the principle of the peaceful settlement of disputes as well as new means and methods to be applied in settling such disputes peacefully. The proposal by the Union of Soviet Socialist Republics on the drafting and adoption of a general instrument for the peaceful settlement of disputes - a proposal contained in its memorandum (A/44/585) "On enhancing the role of international law" - is well suited to facilitating the implementation of this important task.

The International Court of Justice carries particular weight in the system of settlement of disputes. In this connection, the German Democratic Republic is reviewing its position on a number of treaties with a view to withdrawing reservations as regards recourse to the Court in the settlement of disputes.

One of the most topical issues, as we see it, is the progressive development of international law to meet the challenges of the nuclear age. To achieve this, States must display the required political will. The Hague Declaration and many statements made on the United Nations decade of international law contain ideas on how to develop international law progressively. My delegation, for example, fully agrees with the priorities for a decade of international law suggested in paragraph 5 of the memorandum in document A/44/191. We firmly believe that these priorities are in tune with the challenges of the present time and should therefore determine the directions in which international law should progressively develop.

Among the issues which, in the view of the German Democratic Republic, presuppose very close State-to-State co-operation and solutions based on international law are, above all, environmental protection at the international level, the use of new communication technologies, counter-terrorism, and drug-abuse control.

(Mr. Zachmann, German
Democratic Republic)

The proposed decade of international law leads us to the threshold of the new millenium. Even today, we have to use the means and mechanisms of international law at our disposal to create the conditions that are indispensable if peace and mutually beneficial co-operation between States are to prevail in international relations in the next millennium. We have therefore co-sponsored the draft resolution before us: it should prompt a broad international discussion on how to make the world safer through the rule of law.

Mr. MONTAÑO (Mexico) (interpretation from Spanish): Ever since the International Peace Conference in The Hague in 1899, 90 years ago, the peoples have pursued the goal of submitting relations between States to the rule of law. There have been, since then, many initiatives on the part of the international community to place definitive legal obstacles in the way of the use or the threat of the use of force between States.

In recognition of the central role which international law should play in relations between States, the General Assembly has fostered, since its establishment, a dizzying process of codification and progressive development of its rules, notably through the proliferation of multilateral conventions, on a great variety of subjects, which have been concluded under its auspices. This is not to underestimate in any way the work carried out in this field by other United Nations bodies and other international organizations, particularly the regional ones, which have shared the mission of ensuring the rule of law in international relations.

There is no doubt that an enormous and positive contrast can be observed between the international law in force in 1899, in 1945 and today, on the eve of the 1990s. The general outlook is positive, although perhaps too optimistic and forgiving if we note the incongruity between it and the situation of tension and

(Mr. Montafio, Mexico)

conflict, even armed conflict, which still obtains in various regions of the world and is the clearest index of how much remains to be done before we achieve the effective rule of international law.

In facing the challenge of the now imminent advent of a new century, the peoples of the United Nations must without a doubt hold fast once more - for the benefit of this and future generations - to the aspiration of the resolute pursuit of the fundamental objective: to submit the handling of international issues to law as an incomparable and irreplaceable guarantee that it will, if it is strictly observed, lead humanity to a new century of peace.

There will be many anniversaries whose symbols it will be possible to commemorate both usefully and advantageously in the remaining decade of this century; they will involve creating and adopting vitally important instruments and mechanisms of international law which, had they been observed and used at the appropriate time, could have prevented the outbreak of two world wars.

All these instruments and mechanisms were later strengthened by the United Nations through other even more vitally important instruments and mechanisms whose anniversaries will also be commemorated in the next decade - beginning with the highly significant fiftieth anniversary of the adoption of the Charter and the establishment of the International Court of Justice. All those instruments and mechanisms were offered to the international community as alternatives to the use of force - and, I repeat, if they had been observed they could have prevented the many breaches of international peace and security which over the last half century have caused mankind so much suffering and harm.

(Mr. Montaña, Mexico)

The unanimous adoption, only two days ago, of resolution 44/21, "Enhancing international peace, security and international co-operation in all its aspects in accordance with the Charter of the United Nations", has enabled us to endorse complete and universal observance of the constituent instrument of the Organization. To comply with the provisions of the Charter is to act in conformity with international law; it provides the best guarantee of peace and security and is the only way to have effective international co-operation.

(Mr. Montaña, Mexico)

To respect the principles of the Charter and strengthen the Organization also means respect for the International Court of Justice as a principal body of the United Nations. We harbour the hope that the spirit underlying resolution 44/21 will lead to recognition of the primacy of the need for all States to respect the law.

We rigorously respect the provisions and instruments of international law, and compliance with the resolutions of the United Nations is an indispensable step towards strengthening peace, security and international co-operation.

For all these reasons it would be most propitious if we were to take advantage of the remaining years of this century to give thought to the lessons that must be learned if mankind is to begin the next century with enhanced prospects for peace and take measures to instil a deep awareness in all segments of international society, Governments and leaders, young people and children of the need for respect for international law in order once and for all to preserve mankind from the experience of war and make international public opinion the major obstacle to the use of force.

Mexico welcomes the initiative of the Movement of Non-Aligned Countries for this session of the General Assembly to declare the United Nations Decade of International Law, convinced that, if an item can fully benefit from the fruits that have been harvested and that have led to other decades being proclaimed by the Organization, it is certainly the item on legal order in international society, for its eminently symbolic component can be directly aimed at awakening and heightening general awareness of the Organization's relevant role in maintaining peace.

Our delegation wishes to advance a few ideas on what we believe should be the fundamental elements to be incorporated in the Decade's programme of action to be drawn up by the Organization.

(Mr. Montafio, Mexico)

First, taking into account the importance of an international tribunal such as the International Court of Justice, a carefully planned appeal should be made to all the States Members of this Organization to issue a declaration accepting the binding jurisdiction of the Court. It should be pointed out that of the 159 States at present in the Organization only 49, in addition to 4 non-Members, have thus far made such a declaration, which represents only 30.8 per cent of the membership of the Organization.

Secondly, in order to enhance international law in all corners of the world and avoid its remaining the private preserve of only a small segment of the world, it is necessary in a practical manner to overcome the obstacle in the Statute of the International Court of Justice authorizing the rulings and advisory opinions of the Court to be officially published only in English and French. This proposal, which was made four years ago by Mexico, is in line with the report of the Joint Inspection Unit (JIU) with regard to the financial possibility of resolutions and advisory opinions being translated into the other official languages of the United Nations.

Thirdly, a concerted campaign must be waged to broaden universal participation in treaties arising from the United Nations so that these treaties will not remain dead letters in the archives. At the same time we must give thought to the desirability of proliferation of international instruments when those already in existence are precarious owing to lack of universality.

Fourthly, we propose that the Assembly revise its methods in order to play a broader and more dynamic role, through the Sixth Committee. Consistent with his responsibilities, it would be highly desirable for the Secretary-General of the United Nations each year to report on the legal advances that have been achieved by the international community within the United Nations and in all forums where

(Mr. Montaflo, Mexico)

international legal instruments are being negotiated. Such a report would be presented to the Sixth Committee for consideration, so that the Committee might perform its supervisory role regarding the codification and progressive development of international law. Unquestionably, this would instil new life into the Sixth Committee, which has excessively focused its attention on the work of the International Law Commission, when that Commission's work represents only a small part of what is being done world wide in this area. Let us take advantage of the decade to re-order our priorities on the matters that require progressive development and codification.

Fifthly, complementing the foregoing proposal, we should promote the pre-scheduled holding of an informal meeting of at least one week's duration within the framework of the Sixth Committee, where representatives of foreign ministries responsible for legal matters can meet, with the invaluable support to the Legal Counsel of the United Nations, so as to allow for the review of the report and achieve the re-ordering of the priorities, with the participation of the directors of the legal departments of the regional specialized agencies, including the President of the International Court of Justice and the Chairman of the International Law Commission. That forum could be entrusted with overseeing and assessing the development of the Decade's programme of action.

It is the opinion of the delegation of Mexico that machinery of this kind on the agenda of the Sixth Committee could make it a forum for planning the codification and progressive development of international law.

In conclusion, I should like to point out that Mexico enthusiastically supports the declaration of the United Nations decade of international law and will endeavour to contribute to the development of international law in keeping with the legal tradition of the principles guiding Mexico's foreign policy.

Mr. PAWLAK (Poland): The delegation of Poland welcomes with profound satisfaction the initiative of the Movement of Non-Aligned Countries to declare the period 1990-1999 the decade of international law, aimed at entering the twenty-first century confident that a transition to a just, peaceful and non-violent world is under way. It fully corresponds with the growing tendency in international life to ensure the rule of law rather than the rule of power and force in the world, and to develop and expand peaceful co-operation and friendly relations among States. It may help to reach agreement on how to put an end to the still infrequent helplessness of the law, on how to expand law and ensure its strict application.

(Mr. Pawlak, Poland)

My country has a long tradition in developing and defending the law of nations. Already in the fifteenth century, Paul Vladimiri and Stanislaw of Scarbimiria, the rectors of Poland's oldest university, the University of Cracow, dwelt on the peaceful settlement of disputes and argued for the need to abide by the rule of law in international relations. As early as that time they had already reminded us that law, not force, should reign among nations.

My country's attachment to the rule of law is particularly valid. We still remember that 50 years ago our country was the victim of aggression committed in flagrant violation of international law. The two neighbouring States - as was stated by the Minister for Foreign Affairs of Poland, Professor Krzysztof Skubiszewski, during the general debate, on 25 September 1989 - concluded a series of agreements that provided for the partition of Poland and its liquidation as a State. The agreements also concerned the fate of other countries in the region. All those arrangements went against international morality and were concluded in violation of various treaties and of fundamental and peremptory rules of general international law. The agreements were thus null and void from their very inception. Yet they were put into effect by their signatories, causing extreme suffering to millions of people in that part of Europe.

In recent decades we have all too frequently seen the lack of proper respect for the norms and rule of international law resulting in many international conflicts, as well as in disregard of such important principles as the principle of the sovereign equality of States. The present profound democratic changes taking place in Poland inspire us still further to do our best to support every effort aimed at strengthening and developing international law.

Consequently we share the noble ideals expressed in the Hague Declaration of 29 June 1989 as contributing to the fulfilment of the first and foremost purpose of the United Nations, that is, the maintenance of international peace and security.

We find in it a great number of just and important statements, such as those emphasizing the need and utmost importance of general and complete disarmament, the requirement to support, and comply in good faith with, the obligations assumed in accordance with international law, and the right of all peoples to choose freely their own economic, political and social systems. We place a high value on the recognition of the need to protect the environment as one of the greatest challenges faced by humanity at the present time. We welcome the references to the principles of the sovereign equality of States, the peaceful settlement of disputes and prohibition of the use of force, and respect for human rights. We whole-heartedly endorse the important statement that strict observance of international law is the best guarantee of the preservation of peace and the promotion of justice, which are the supreme objectives of mankind, and that the further progressive development, consolidation and codification of international law is an essential requirement for world peace and justice.

The enhancement of the principles of international law, inter alia, should be effected by their introduction into domestic law and, in particular, into States' constitutional Acts. Those Acts, as principal legal instruments, should define the obligations of State authorities in regard to foreign policy. The application and interpretation of constitutional norms should be in consonance with the norms of international law, the observance of which is a main condition of the maintenance of international peace and security.

In this connection I should like to mention the communiqué of the last meeting of the Committee of Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty, which was held in Warsaw on 26 and 27 October 1989, and circulated as an official document under the symbol A/C.1/44/7, of 8 November 1989. It confirmed that one of the essential prerequisites in international relations is respect for the right of each nation to decide its destiny independently and choose freely the path of its social, political and economic development, with no external interference.

(Mr. Pawlak, Poland)

The Committee of Foreign Ministers stressed

"the fundamental importance of respect for the commonly accepted principles and standards of international law." (A/C.1/44/7, para. 3)

The most appropriate body to implement the idea of the decade of international law is, of course, the United Nations. Our Organization is called upon by the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification, as well as to assist in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. In fact, it has played an important role in developing international law through the restatement of existing rules and the formulation of new ones.

The General Assembly itself has adopted important declarations reaffirming and concretizing principles of international law - first of all the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, then important Declarations related to the definition of aggression, the Peaceful Settlement of International Disputes, the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations and, finally, 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, as well as, in 1978, the Declaration on the Preparation of Societies for Life in Peace.

In the domain of the codification and progressive development of international law, the primary and most important role is played by the International Law Commission. Since 1947 it has drafted many highly important legal instruments, in particular in the field of the law of treaties and diplomatic and consular law.

(Mr. Pawlak, Poland)

Nowadays it has significant items on its agenda, including those relating to such difficult spheres as the liability and responsibility of States.

There are also other United Nations bodies which make valuable contributions to the development of international law, such as the Committee on the Peaceful Uses of Outer Space, and its Legal Sub-Committee, the Commission of Human Rights, the United Nations Commission on International Trade Law, and the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. In addition, the achievements of the International Atomic Energy Agency and other international organizations are worthy of mention. Very good examples of their useful contributions are the International Civil Aviation Organization and the International Maritime Organization conventions aimed against specific manifestations of international terrorism. An important role is also played by regional international organizations, such as, in our part of the world, the Council of Europe.

(Mr. Pawlak, Poland)

At the same time, we still see some room for improvement in the legal work of the United Nations. Concrete ideas in that respect were expressed by Minister Skubiszewski in his statement during the general debate this year. In particular, we should in our view be more selective and cautious in the use of General Assembly resolutions for indicating existing law and for suggesting new law. Greater use of legal expertise by the General Assembly is needed. As to the International Law Commission, it should not hesitate to respond to the main present-day global challenges, and to do so expeditiously.

The trend towards the extension of the jurisdiction of the International Court of Justice is another positive development towards strengthening the rule of law rather than force in international relations. The International Court of Justice, as the principal legal organ of the United Nations, has great possibilities for contributing to the peaceful settlement of international disputes, the resolution of conflicts and the defence of the legitimate interests of weaker States. Poland fully supports this trend and itself intends to accept in the near future the compulsory jurisdiction of the International Court of Justice, in accordance with Article 36 of the Court's Statute.

We also view with satisfaction the turn for the better in the field of human rights. The relevant United Nations activities deserve our appreciation. The human rights instruments, first of all the Universal Declaration of Human Rights and the International Covenants, including their monitoring systems, are invaluable in promoting the protection of human rights throughout the world. Poland, in line with its present domestic politics and far-reaching democratic reforms, will further increase its participation in the treaties and mechanisms enhancing the protection of human rights.

(Mr. Pawlak, Poland)

The delegation of Poland fully supports the proposed emphasis of the decade of international law on the promotion and enhancement of peaceful methods for the settlement of inter-State disputes, on the achievement of general and complete disarmament, and on respect for the principle of the non-use of force in international relations.

We would still favour the extension of that list to some other important questions, including the promotion of human rights and the development of legal norms aimed at meeting the global challenges. We think that, first of all, the increasing pollution of the human environment and the threat of its gradual destruction should find an adequate legal response. There are other phenomena that are extremely timely, such as international terrorism and drug trafficking, as well as economic problems such as foreign indebtedness, the free flow of international trade, and the protection of foreign investments. They should also receive the full attention of international lawyers and in particular of the appropriate bodies of the United Nations.

My delegation believes that the decade of international law will greatly contribute to solving the various, complicated issues encountered by humanity in the last decade of the twentieth century, to strengthening the international legal order and to maintaining international peace and security. We support that decade and shall participate in its implementation to the best of our possibilities.

Taking into account the important and noble purposes of the United Nations decade of international law, my delegation expresses great appreciation of and support for draft resolution A/44/L.41, on this item, and would ask for Poland to be included in the list of its sponsors.

Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Union warmly welcomes the initiative of the Non-Aligned Movement on the proclamation of the 1990s as the decade of international law as an important step towards the strengthening of international legality and the rule of law. In our view the proposal is extremely timely, and here what is important is not so much the anniversary date - such as the approaching centenary of the first Hague International Peace Conference, convened on the initiative of Russia - as the state of affairs today. As never before the international community has become aware of the practical need to rely on law as the universal means of harmonizing the general and national interests of mankind, at a time when society at large has realized that all parts of the planet have a common destiny, when the interdependence of the modern world is clearly manifest, and when new and highly important possibilities are becoming available for the legal settlement of international disputes. That is why we see great potential in the idea of the decade and those tasks which have been put forward by the Hague Declaration adopted by the Ministerial Meeting of the Movement of Non-Aligned Countries which discussed the issue of peace and the rule of law in international affairs. As was pointed out in the message of the Minister of Foreign Affairs of the Soviet Union, Mr. Shevardnadze, to the participants in that meeting,

"From our point of view the guaranteeing of a stable international state of law presupposes the primacy of law in the policy and practice of States, the priority of international obligations over internal regulations and the universal application of the generally recognized international principles and rules of international law."

The concept of the primacy of international law put forward by the Soviet Union is in many ways in keeping with the mood and aspirations of the non-aligned countries. Our view of a world based on law is stated in the memorandum on the

(Mr. Ordzhonikidze, USSR)

enhancing of the role of international law which has been circulated at the present session of the General Assembly by the Soviet delegation. In submitting that document we were guided by a desire for a broader exchange of views on the problem of enhancing the role of international law and compliance with it everywhere. Like the Non-Aligned Movement, we view one of the goals in this respect to be the preparation of a comprehensive international strategy for affirming the primacy of law in international relations. The fact that both the Soviet Union and that highly influential modern movement have come to essentially the same idea of the role of international law in the world, and are formulating complementary proposals, is noteworthy.

We express our readiness to co-operate actively with the Non-Aligned Movement in the implementation of what was outlined at The Hague. We express the hope that the decade, which we hope will be unanimously proclaimed at the present session of the General Assembly, will become a catalyst in the process of the movement by the international community towards the rule of law.

Of course, it is necessary to work out here a clear-cut and generally acceptable programme of conduct for the decade. The world community needs a broad and long-term programme for the development of international law that will reflect the growing interdependence of the world. Such a programme should be oriented towards the establishment of a world community of law-abiding States which would subordinate their foreign policy activities to the rule of law. That task, a responsible one and far from simple, is definitely feasible. The outcome of the decade would have to be overall compliance with and progressive development of international law as the basis for inter-State relations in the new century. Focusing the efforts of all countries on the achievement of that goal will decisively contribute to the establishment of a safer and more just world.

Mr. TANASIE (Romania): The delegation of Romania would like to extend its congratulations to all delegations of the non-aligned countries, which proposed the inclusion of the item "United Nations decade of international law" on the agenda of the present session of the General Assembly.

Romania was among the countries which officially supported this valuable initiative from the beginning. Thus, in a reply sent to the Secretary-General on 31 July 1989 my country welcomed the decision embodied in the Hague Declaration of the Meeting of the Ministers of Foreign Affairs of the Movement of Non-Aligned Countries to Discuss the Issue of Peace and the Rule of Law in International Affairs, of 29 June 1989, concerning a United Nations decade of international law. We noted the importance of the proposals in the Declaration on the promotion and enhancement of peaceful means of settling disputes between States, as well as those concerning respect for international legal principles against the threat or use of force, intervention, interference and other coercive measures in international relations.

The delegation of Romania supports the four main purposes of the decade as expressed in draft resolution A/44/L.41.

First, as to the promotion and acceptance of and respect for international law, it should be emphasized that peace based on justice and equality is the supreme goal of humanity and that the attainment and preservation of peace requires the elimination of all forms of aggression and the establishment of relations of peaceful coexistence and harmony among States, irrespective of their socio-economic systems.

We are convinced that during the decade consideration should be given to legal and practical ways and means of strengthening respect for the principles and norms of international law concerning elimination of the threat or use of force, intervention, interference and all acts of coercion against other States and

(Mr. Tanasie, Romania)

peoples, and the promotion of good-neighbourliness, friendly relations and co-operation among States in accordance with the United Nations Charter. It is an imperative of our time that all States promote a policy of peaceful coexistence, détente and co-operation, irrespective of their economic or military power, political and social systems, and size and geographic location, and refrain from any action contrary to this requirement.

All States should respect the personality of other States and their inalienable right to choose and promote freely the system and path of their political, social, economic and cultural development, and to play their part in international co-operation in conditions of equality and non-discrimination. To that end, all States should refrain from stimulating, encouraging, preparing or financing in any way groups and formations engaged in activities directed at the internal destabilization of other countries, and from any act of interference in the domestic affairs of other States contrary to the purposes and principles of the Charter of the United Nations. The programme for the decade should contain such provisions.

Secondly, the aim of the decade is to promote means and methods for the peaceful settlement of disputes. The delegation of Romania would like to emphasize only one particular aspect. We welcome the fact that the idea of drawing up a universal legal instrument on the peaceful settlement of disputes, which was constantly promoted by Romania, was reflected in the Hague Declaration of the Ministers of Foreign Affairs of the Movement of Non-Aligned Countries, which was adopted on 29 June 1989. The decision of the non-aligned countries to assign to the Working Group of the Co-ordinating Bureau on Peaceful Settlement of Disputes the task of the examination of existing international instruments on the peaceful settlement of disputes with a view to drawing up such a draft universal convention has major importance in the present context of international affairs. Romania

(Mr. Tanasie, Romania)

supports this initiative and believes that its implementation through the United Nations will strengthen the principle and practice of the peaceful settlement of disputes in the conduct of all States.

Thirdly, another purpose of the decade is to encourage the progressive development and codification of international law. We should like to express our hope that the event we are going to proclaim today will be used for the acceleration of the preparation of various international legal instruments and in particular for the completion of the drafts being drawn up in the International Law Commission.

Finally, as to the objective of the decade pertaining to the encouragement of the teaching, study, dissemination and wider acceptance of international law, I should like to mention that my delegation has made a number of proposals at the present session of the General Assembly, among them the inclusion of the peaceful settlement of disputes as a priority element in the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

We commend the initiative of the non-aligned countries in proposing the proclamation of a decade of international law. Romania believes that the implementation of the programme of action will lead to the strengthening of all means of peaceful settlement of disputes, to the generalization of universal respect for the principles and norms of international law, and to a better understanding of the role of law in the promotion and maintenance of world peace and security.

The delegation of Romania reaffirms its conviction that universal respect for the basic principles of international law would make a valuable contribution to the defence of world peace and security, and give a new impetus to the United Nations in accomplishing its supreme mission: to save present and succeeding generations from the scourge of war.

(Mr. Tanasie, Romania)

We express the hope that the third peace conference, which is proposed for the end of the decade of international law, will manage to adopt relevant legal documents to govern relations among States during the next century and millennium. The decade of international law will be prepared under the auspices of the United Nations and will lead to the strengthening of its activities in the legal field.

We believe that it is now more than ever necessary to enhance the role of the United Nations and other international bodies in finding solutions to the complex problems of our times and in ensuring equal participation by all countries in solving all the problems that confront mankind.

My delegation is prepared to take an active part in the preparation of the programme for the decade and we are convinced that the activities undertaken during the next 10 years will have a decisive role in promoting the primacy of the rule of law in international relations.

Mr. ENGFELDT (Sweden): I have the honour of addressing the General Assembly on behalf of the Nordic countries: Denmark, Finland, Iceland, Norway and Sweden.

The Declaration adopted by the non-aligned countries this summer calls for a decade of international law, to begin in 1990 and conclude in 1999. It addresses highly important aspects of relations between States, among others the strengthening of the role of the International Court of Justice. The theme of the Hague Declaration - the primacy and the implementation of the rule of law, as well as the progressive development of law - is a theme which deserves our full support.

The commitment by the non-aligned countries in these matters is much appreciated by the Nordic countries. We note with particular interest the call for wider adherence to the compulsory jurisdiction of the International Court of Justice. It is clear that wider acceptance of that jurisdiction would increase confidence in international law and strengthen the international legal system as such. Among the 159 States that are entitled to appear before the World Court as Members of the United Nations, at present 51 have given explicit declarations recognizing the compulsory jurisdiction of the Court. Let me take this opportunity to welcome the many statements made during the present General Assembly session indicating the existence of increasing willingness to accept the compulsory jurisdiction of the Court, either through declarations under Article 36 of the Statute of the Court or by withdrawing previous reservations to clauses in various treaties which confer on the Court jurisdiction over disputes on their application or interpretation. This is indeed an encouraging development.

(Mr. Engfeldt, Sweden)

We also note with interest that during the past few years an increasing number of disputes on an expanding range of subject-matters have been brought to the Court. It is a fact well known to legal sociologists that the less large-scale friction and conflict there is in a society the more are matters taken to courts by individual citizens and the greater is the authority of the judicial function. Such a development in the international arena will, in the view of the Nordic countries, lead to a further consolidation of international law. This should create favourable conditions for the peaceful settlement of a wider range of international conflicts.

In regard to the main proposal by the non-aligned countries, it is in our opinion essential that a decade of international law be based on a carefully prepared plan of action.

It would in our view have been preferable and in line with the standing practice in such matters if we had been able to prepare the decade in greater detail before taking a decision on the matter. However, in view of the circumstances, the Nordic countries feel that it should be possible to consider the question of declaring a decade of international law already at this session of the General Assembly.

We are pleased that it was possible to reach consensus on the draft resolution concerning the decade, which the Nordic countries have decided to co-sponsor.

In adopting this positive attitude, we trust that due consideration will be given to the procedure to be followed in preparing the methods and programme of work for the decade as well as to the economic implications. The outcome must of course be one which will command general support. The main field to be considered during the decade should be the existing work of the United Nations regarding

(Mr. Engfeldt, Sweden)

peaceful settlement of disputes between States. The problems we face today have their roots not in any lack of treaties, bodies or procedures but, rather, in the reluctance of States to utilize existing mechanisms. The idea of drawing up a modern and universal convention on peaceful settlement of disputes, perhaps replacing the existing ones, could nevertheless be a good idea, since the attention given to the project could result in wide adherence to a new convention.

As for the preparations for the decade, it is important that all interested States be allowed to participate fully and be given the possibility of making substantive proposals on what activities different United Nations bodies might carry out during the decade.

The codification and development of international law should be strongly encouraged. The proposal of the non-aligned countries for a decade of international law envisages the convening of a third peace conference, which would consider and, it is hoped, adopt appropriate international instruments for the enhancement of international law. The Nordic countries believe that this arrangement could create momentum for the development of new legal instruments. It is important, however, that the topics be chosen in such a way that existing efforts in specialized forums are not disturbed by parallel negotiations.

Let me again stress that the topics to be included in the plan of action should be chosen only after a careful discussion and comparison of the different priorities. This is a process in which excessive haste can only be to the detriment of the very aims of the decade. Unless the decade is coupled with the determined will on the part of Member States to make progress there is, as previous experiences of a similar nature often have taught us, the risk that the end result will be a disappointment.

(Mr. Engfeldt, Sweden)

As I said at the outset, the initiative taken by the non-aligned countries deserves our full support. They should be commended for this timely proposal. We find it encouraging that the interest in the strengthening of international law is gradually gaining ground. But we must not let the planning and realization of this decade prevent us from taking steps which can be taken immediately. As we understand the underlying idea, the decade must be supported by action. Otherwise the exercise might fail to serve as an enhancement of a legal régime of which the international community is in great need. We must also remember that charity begins at home. Steps taken at the international level may be of limited importance if there is no proper take-off at the national level.

Therefore the decade of international law should have the following four firm corner-stones: respect for the rule of law at the national level; respect for the rule of law at the international level; preparedness to settle international disputes by peaceful means; co-operation between States to achieve general agreement on the outcome of the decade. If the decade is based on those prerequisites, we feel confident that our future work in this field will be successful.

Mr. SOKOLOVSKIY (Byelorussian Soviet Socialist Republic) (interpretation from Russian): The pursuit of a balance of interests and political means of settling disagreements between States inevitably presupposes reliance on international law. The present dangers and difficult problems confronting mankind make it necessary for the selfish ambitions which have for centuries prevailed and which continue to prevail in State policies to yield to the universal and timeless interests of mankind. The most important among those interests is peace associated

(Mr. Sokolovskiy, Byelorussian
SSR)

with the rule of law. The adoption of a range of measures aimed at making real progress in the strengthening of international law would be a contributing factor in that regard.

Guided by that position, the Byelorussian SSR welcomes the proposal made by the non-aligned countries for the declaration of the decade of international law. It has great potential, in its purpose of enhancing the role of international law, inter alia through the use and improvement of mechanisms for the peaceful settlement of disputes between States.

(Mr. Sokolovskiy, Byelorussian SSR)

In this context, we have noted the measures adopted recently by certain permanent members of the Security Council to enhance the role of the International Court of Justice in the settlement of legal disputes and, in the long term, in ensuring recognition by all States of the binding nature of the Court's jurisdiction on mutually agreed terms. Our attitude was clearly demonstrated earlier this year when the Byelorussian SSR began withdrawing the reservations it had made earlier with regard to a number of international treaties concerning the jurisdiction of the International Court of Justice. As a first step, we withdrew our reservations with regard to human rights agreements. Now, any party to a dispute between States on the interpretation and application of those agreements can bring it before the Court.

The goal of establishing a new model for inter-State relations could be achieved by promoting and strengthening peaceful means of settling disputes between States, including recourse to the International Court of Justice and compliance with its decisions. Problems on which there is a deadlock and which cannot be solved through negotiations should in principle be tackled with the help of the international legal machinery.

The principal course to be pursued in the development of international law is that of the elaboration on the basis of existing principles, of new international legal obligations directly aimed at the curbing and reversal of the arms race, the building of a secure world, free from nuclear and all other weapons of mass destruction and, ultimately, free from any weapons whatsoever.

Of course, such vital obligations must rest on the existing, generally recognized principles of international law, above all the universal principle of the non-use of force in international relations, which in the present situation must be respected unconditionally.

(Mr. Sokolovskiy, Byelorussian SSR)

It is inconceivable that the foundations of international law and order could be strengthened without the establishment of effective machinery to verify implementation of international treaties and a comprehensive system of verification of compliance with international treaties, without a comprehensive system to monitor observance of obligations under international law that is free from any partiality in either interpretation or application, without a uniform interpretation of international legal obligations, and without widespread promotion among the world public of international law and its role in the modern world.

We are ready to examine positively any other constructive proposals aimed at the implementation of mutually agreed elements of international strategy in the legal sphere.

The delegation of the Byelorussian SSR supports the proposals of non-aligned countries concerning guidelines for the development of international law, including the proposal to convene during the concluding stage of the suggested decade of international law a third international peace conference to consider and adopt appropriate international instruments to strengthen international law.

In our view, the United Nations, as a universal mechanism for international co-operation, must play the leading role in strengthening the international legal system.

We should not overestimate the capacity of legal norms, institutions and machinery and consider them outside the context of real life. They will be effective to the extent that the international community is prepared to use them, since legal norms are effective only if coupled with the political will of States. However, legal safeguards have a very significant role to play in bringing about the conditions that will ensure the stability of the international system, its balance and its movement towards an increasingly secure world.

(Mr. Sokolovskiy, Byelorussian SSR)

In speaking in support of the proposal to proclaim the decade of international law, the Byelorussian SSR expresses its readiness to discuss constructively the ways and means for ensuring international legality, raising the role of international law in the modern world in which the primacy of the principle of the force of law and not of the law of force will be recognized universally.

Mr. PAOLILLO (Uruguay) (interpretation from Spanish): The initiative concerning the declaration of the decade that begins in 1990 the decade of international law could not come at a better time; more important, its purposes could not be more justified.

There may not have been any period during the last 40 years quite like the present, in which the prospects for peace are indeed favourable. There is now abundant proof of the willingness of States to have recourse to dialogue, co-operation, tolerance and compromise to deal with their international problems and settle their disputes. The world is unquestionably involved in a process of peace, but it is not peace imposed by power or the force of arms; rather it is peace based on law and justice, which is the only kind that can last.

Moreover, the fact that the decade will coincide with the decade in which we shall be observing the centenary of the first International Peace Conference, held in 1899, is a tribute to our forebears, who at The Hague, brought together 26 countries to work out instruments of peace. It is also a tribute to the pacifist visionaries of all eras, who believed that it is only through law and justice that States can develop and ensure the happiness of their people.

The International Peace Conference of 1899 was not, as the German historian Theodor Mommsen thought, a printing error in the history books of mankind. It is true that the Conference was far from meeting the expectations of its sponsors, but it concluded agreements on problems of far more than transitory significance and

(Mr. Paolillo, Uruguay)

tried to lay the foundations for a general and permanent system for the settlement of disputes by peaceful means. More important than the final documents was the fact that, in keeping with the participants' desire solemnly expressed at the conclusion of the Conference, this was not an isolated event, without outcome. It was to be the first link in a pacifist chain to which further links were subsequently added by the conclusion of 120 arbitration treaties between 1899 and 1914 and by the convening of the second International Peace Conference, which had greater scope and was more ambitious than the first.

Today, almost 100 years after the Conference, the procedures for the peaceful settlement of disputes and, generally speaking, international law, have undergone major changes which have been the inevitable result of the extraordinary transformations in the international community, particularly since the end of the Second World War.

(Mr. Paolillo, Uruguay)

International law has expanded its parameters, enriched its content and increased its functions. It has gone from a form of law which governed relations between a small number of States to a universal legal order which is binding in regard to many diverse subjects - binding not only on States but also on international organizations and individuals. Up to a short time ago it was not much more than a system of norms which governed only questions relating to the political sovereignty of States, security and war; now it has become a complex network of principles and norms which govern practically all areas of human activity. Once a law of prohibition, made up of norms which established limits on the exercise of national sovereignty, it has become a law of co-operation and co-ordination; and, recently, in the light of increasingly acute global threats, such as deterioration of the environment, drugs and poverty, it has become an instrument providing social direction.

The driving force of this extraordinary development of international law in the past few decades has unquestionably been the United Nations, thanks to the work of the International Law Commission, to the many legal conferences which have taken place under the auspices of the United Nations, General Assembly resolutions, ad hoc committees established by the General Assembly, and the work of its various agencies and bodies.

The result is an imposing number of legal principles contained in declarations and resolutions and of norms and regulations contained in more than 200 multilateral treaties, many of them between a large number of States.

The development and codification of international law is one of the most striking aspects of the work of the Organization, and one of its most important and demanding tasks. The changes that are constantly made in the international

(Mr. Paolillo, Uruguay)

arena and the emergence of new problems requires uninterrupted work on the drafting and updating of law. For international legal norms, if they are to be effective, must reflect the changes taking place in the world in which they exist. But law must be more than that. It must not only reflect but also anticipate changes, for its function cannot be limited to perpetuating the status quo by imposing stability, predictability and order on social relations; it must also give direction in so far as possible, to the development of those relations. Law is stability, but it is also movement. As the French jurist Maurice Bourquin said:

"The transformation of law is a prerequisite to its smooth functioning.

In one sense, the need for stability and the need for movement might appear contradictory; yet in fact movement is transformed here into a requirement of stability".

The decade of international law is an excellent opportunity to reflect on the role that law plays in the development of modern international relations. It is an opportunity to determine to what extent law influences the conduct of States, and to identify the means that expand knowledge, facilitate acceptance and strengthen effectiveness.

The objective, dispassionate analysis of the role of law in international relations and its influence on the conduct of international agents, and the wide dissemination of the results of that analysis, must be priority activities in the programme of action of the decade. Carrying out those activities will make it possible for us to achieve an objective which, in the opinion of our delegation, is of great importance. It is an objective which, though not yet explicitly formulated in the draft resolution before us, does seem to underlie its spirit.

(Mr. Paolillo, Uruguay)

That objective is to defeat scepticism, defeat even the cynicism with which one may be tempted to view the effectiveness of international law, and at times its very existence. I am not referring to the more extreme, irrational ways of stating the case - formulas such as "treaties are only pieces of paper", so much in vogue among some statesmen and politicians of the nineteenth and even the twentieth century. I am talking about scepticism which is more subtle but equally corrosive; which we see in our daily life and work and in university classrooms, and which emerges in the comments of political observers, in public opinion and, not infrequently, even in diplomatic and governmental circles.

This scepticism is generally based on a careless comparison between the rigid nature of our national codes and laws and the general and sometimes deliberately imprecise nature of certain rules of international law. It is based also on an ingenious interpretation of international events which are on the front page of our newspapers and our television screens. These events are often incompatible with established or desired rules of conduct. Consequently, they are used as proof of the ineffectiveness of international law - as if the violation of a norm proved that it did not exist.

It is true that States continue to engage in transgressions - sometimes very serious ones - of international legal norms. But we must not forget that every day an enormous number of international legal norms are respected by States - sometimes against their national interests. Compliance with a norm is of course not "news" for the press or television. But what characterizes our times and what should attract people's attention is not the frequency with which international legal norms are violated but, on the contrary, the respect for international law, the high degree of obedience by States to the international legal system. This

(Mr. Paolillo, Uruguay)

phenomenon is particularly noteworthy because international law does not have enforcement measures comparable to those available to national legal bodies to ensure compliance.

Combating scepticism and in this way strengthening confidence in international law at all levels must be the main result sought through the activities of the decade. By strengthening confidence in law, we shall be contributing to the promotion and greater acceptance of law, thereby moving even closer to that ideal condition in which all our international acts will be governed by law and all our problems will be solved by peaceful means.

Uruguay is confident that draft resolution A/44/L.41 will be adopted without a vote and we pledge our determined support for the work that will be undertaken within the framework of the decade.

Mr. BERRY (Australia): The item currently before us, a proposal for the declaration of the next decade as the decade of international law, was a latecomer to the agenda of this General Assembly session. It is one which most delegations agree has important implications. We fully share that assessment. After all, the United Nations Charter itself calls for the progressive development of international law. Respect for the rule of law and recourse to peaceful methods for the settlement of disputes are very important cornerstones in the whole structure of international relations. No one can, or does, deny this. We would also emphasize in this regard the necessity for Member States to recognize the primacy of international law and to abide by their international obligations, especially with regard to human rights and the fight against terrorism. Nor should we underestimate the value of the educational focus that the declaration of a decade of international law will undoubtedly have.

It is, in fact, for those very reasons that we should therefore approach a proposal such as this with the seriousness it deserves. We should not rush into

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it, letting enthusiasm cloud our better judgement. My delegation feels that, at the very least, we should all have a very clear idea of what the proposed decade is aimed at; what subjects it will deal with; how it should be implemented. The answers to these questions are by no means clearly to be found in the draft resolution before us.

(Mr. Berry, Australia)

The Economic and Social Council, at its 16th plenary meeting on 24 May 1989 recommended to the General Assembly for consideration and possible adoption this year a set of revised guidelines for international decades in economic and social fields. These are to be found in document E/1989/INF/7. We do not propose to go into any detailed argument over whether international law is implicitly included in both of these fields. However, we do feel that these guidelines, endorsed by such an important body as ECOSOC, are extremely persuasive in relation to the item before us.

Paragraph 5 of those guidelines is particularly apposite, and I shall read its main section:

"Proposals for international decades should include a draft programme of action with well-defined objectives and activities to be carried out at the international, regional and national levels. The activities should be directed towards clearly defined objectives. The draft programme of action should indicate the proposed organizational arrangements and modalities for financing, from both budgetary and extrabudgetary sources, as well as procedures for monitoring implementation".

Paragraph 10 also provides, in our view, a particularly useful guideline:

"There should be sufficient time between the proclamation of the decade by the General Assembly and the start of the decade to allow for preparatory work at the international, regional and national levels".

While of course they are not binding, these guidelines are nevertheless hardly reflected at all in the proposal before us. This is particularly so with regard to the financial and administrative implications of the proposal. We all know that the United Nations is operating under severe financial constraints. We have all heard the calls of the Secretary-General, repeated at this session, for

(Mr. Berry, Australia)

extreme caution in making new proposals with significant budgetary implications. Yet here we are with a proposal to declare a decade of international law which may prove to be a costly undertaking. My delegation would at the very least have expected to see the General Assembly provided with detailed information on the exact nature of these budgetary and other implications before it moved to actually declare the decade.

It is for these reasons that our delegation would have preferred to see this item referred for examination and the preparation of a detailed action plan by the body best equipped to deal with it, namely, the Sixth Committee. We would also wish to see decisions in this regard taken by general agreement and are pleased to note that the draft resolution before us includes this principle. It remains our belief that the declaration of the decade itself should not be rushed: the symbolic nature of declaring such a decade at the end of the century would, in our view, be equally well served by its covering the period 1991 to 2000 as it would the period 1990 to 1999.

That being said, should the General Assembly decide to declare the decade this year, my delegation will not oppose it; rather, we will do all in our power to ensure that the decade is a productive one.

Mr. VERCELES (Philippines): Let me begin, on behalf of the Philippine delegation, by commending the Movement of Non-Aligned Countries for the success of the ministerial meeting held at The Hague this year on the topic of peace and the rule of law in international affairs.

The declaration adopted at that meeting is another testimony of our common desire to achieve global peace and security. As indicated in the declaration, the meeting coincided with the fiftieth anniversary of the outbreak of the Second World War. Mankind paid a heavy price for that war. That was why the deep yearning for peace in the collective will of all nations gave birth to our Organization. Thus,

(Mr. Verceles, Philippines)

one of the purposes of the Charter of the United Nations is to save succeeding generations from the scourge of war. In this regard, the Philippine people have declared in their Constitution that:

"The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, co-operation and amity with all nations".

We have continued to recognize the need to enhance the effectiveness of the principles of the peaceful settlement of disputes, prevention of the threat of use of force in international relations, self-determination of peoples, non-interference in the domestic affairs of States, and of respect for their sovereignty, independence and territorial integrity.

After more than four decades of effort by the international community to achieve universal peace, it behoves all nations to make use of the coming decade as a time for reflection on the world situation and on the elaboration of ways and means by which the principles of peace and justice may prevail. Let us enter the twenty-first century with the unity of purpose and resolve to banish wars from our fragile planet.

Attitudes of mistrust and suspicion among nations serve to aggravate existing conflicts in some parts of the world and contribute only to conditions of instability and confrontation. I recall a statement in the United Nations by a former Foreign Minister of the Philippines, who described what the attitude of statesmen should be. What he said was that postulates of right and wrong must yield first to the exigencies of the moment. It pays to know who is right and who is wrong only if one survives. War, and the inevitable death to which it leads, does not linger on the witness stand to gaze leisurely at the symbol of justice.

(Mr. Verceles, Philippines)

The Philippines maintains the view that international law has a genuine and substantial contribution to make in the pursuit of peace and harmony among nations. In promoting acceptance and respect for international law, we should be open to new concepts and approaches. In our time and age, we should be progressive and forward-looking, for international law, by definition, is dynamic. It is also in this regard that there is a need to encourage the teaching, study, dissemination and wider appreciation of international law.

The draft resolution before us in document A/44/L.41, entitled "United Nations Decade of International Law", which the Philippines has co-sponsored, recalls the Manila Declaration on the Peaceful Settlement of International Disputes. This document is a major declaration devoted to the peaceful settlement of disputes, and is undoubtedly one of the most universally recognized restatements of this fundamental principle. As such, the provisions of the Manila Declaration have found their way into various United Nations instruments. We are aware, however, that this declaration does not and should not exhaust the responsibilities of States with regard to the peaceful settlement of disputes.

(Mr. Verceles, Philippines)

Global developments are increasingly highlighting the importance of peaceful settlement of disputes among States as a prerequisite for world peace and security. Thus, we must exploit every opportunity to use all available means to ensure that that principle of international law is fully respected by all States. An appropriate programme of activities during the United Nations decade of international law could provide us with such an opportunity.

It has often been said that the real problem standing on the road to peace is the lack of political will to use the existing mechanisms already at our disposal. We are aware of the view that it is precisely because of that lack of commitment that we have to look for ways and means for the proper and effective implementation of the principle of the peaceful settlement of disputes.

It is in that context that the Philippines fully supports the proposal to declare the period 1990 to 1999 as the United Nations decade of international law. We hope the draft resolution on that question will meet with unanimous approval.

We hope the programme to be adopted during the decade and the appropriate actions to be taken will emphasize the need to place international law in the service of development. We have always maintained that economic and social development is an indispensable ingredient in the attainment of international peace and security. Indeed, there can be no universal peace and security so long as a part of humanity is left under the yoke of poverty.

Furthermore, we believe the question of the environment should be included in the study of international law and its progressive development. We share the view that peace and harmony among peoples depend also on the capacity to protect the environment and improve the human condition. It is in that light that the Philippine Government has endorsed the convening in 1992 of an international conference on environment and development.

(Mr. Verceles, Philippines)

In relation to the question of the environment, my Government is deeply concerned about the threat to our common Earth posed by nuclear weapons and other weapons of mass destruction. It is because of that concern that we incorporated into the 1987 Philippine Constitution a provision stating that

"The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory".

International law, finally, should serve as a major vehicle in our efforts to eradicate colonialism once and for all. The Philippines continues to recognize every people's right to self-determination, freedom and independence. It is well known that my own country has had its share of struggle for independence and liberty. The inalienable right to self-determination and independence is recognized in the United Nations Charter and is reaffirmed in various international instruments which my Government has consistently supported.

The Philippines anticipates with a sense of optimism the coming of a new decade during which international law could be enhanced for the benefit of all. We reaffirm our abiding commitment to any initiative designed to strengthen the rule of law in international relations, for a safer and more prosperous world. The 100 years of solitude about which the Nobel Prize winner, Gabriel Garcia Marquez, so eloquently and so passionately wrote, must not be a part of our planet's next millennium.

The meeting rose at 1.05 p.m.