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Chairman: Mr. Mochochoko . . . . . (Lesotho)

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The meeting was called to order at 10.25 a.m.

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/54/33, A/54/363 and A/54/383)

1. **Mr. Obeid** (Syrian Arab Republic) said that the imposition of sanctions was becoming a habit, although it was a means which should be resorted to only when there had been a blatant violation of the Charter of the United Nations and of international law and there was a clear threat to international peace and security. It was also necessary to exhaust all other peaceful means under Chapter VI of the Charter. The population of the State against which sanctions were imposed was usually the main victim; it must be ensured that sanctions were not imposed on certain States but not on other States which had committed the same or even worse acts. On many occasions sanctions failed to achieve the objectives which were sought, and led to hunger, poverty and economic destruction, not to mention the negative economic and social consequences for third States.

2. The Security Council should consider the short and long-term consequences of sanctions, the purpose of which was not to punish but to change the conduct of a State which posed a threat to international peace and security. Furthermore, it must be made clear that the sanctions would be lifted if the targeted State modified its conduct. Sanctions should be imposed for a pre-determined period of time and must be lifted as soon as the threat to international peace and security disappeared and the State reverted to carrying out its obligations.

3. Article 31 of the Charter should be implemented alongside Article 50, so that any Member of the United Nations which was not a member of the Security Council could participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considered that the interests of that Member were specially affected. In that respect, his delegation reiterated its support for the Durban Declaration of the Movement of Non-Aligned Countries, in which the Heads of State and Government had expressed grave concern about the conditions envisaged for the imposition and lifting of sanctions, and had expressed support for the establishment of a fund for the relief of third States adversely affected by sanctions imposed by the United Nations. The working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation", submitted by the Russian Federation, was of great importance, as was the working paper submitted by the Russian Federation and Belarus, which referred to the principle of State sovereignty; that sovereignty must not be violated unless justified under the Charter of the United Nations and international law, and with the authorization of the Security Council. The International Court of Justice needed to provide guidance on the legal consequences of the use of force by States or groups of States and their adoption of coercive measures of a military or economic nature without consulting the Security Council, since that violated Article 53 of the Charter and was not in keeping with the legitimate right to self-defence envisaged in Article 51.

4. The working papers entitled "Strengthening of the role of the Organization and enhancing its effectiveness", submitted by Cuba, were also very important; those working papers were concerned with the process of restructuring and democratization of the Organization, particularly the transparency and effectiveness of the Security Council. His delegation also supported the revised proposal presented by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security.

5. There was no need to abolish the Trusteeship Council, since its mandate had not yet come to an end, and that would involved making major amendments to the Charter. However, there was a need to strengthen the International Court of Justice and to provide it with the necessary human and material resources to enable it to consider all the cases submitted to it without delay, in view of its ever-increasing workload.

6. The efforts made by the Secretary-General and the Secretariat to prepare the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were commendable. However, his delegation wished to point out that preference had been given to the English, French and Spanish versions, to the detriment of the other official languages, which were equally important.

7. One representative had complained to the Committee, which was not competent in that respect, that his country had not been accepted in a certain regional group. He recalled that in order to join a given geographical group, a number of conditions must be met, such as being a peace-loving State, which was not the case of the country in question.

8. **Mr. Akinsanya** (Nigeria) said that sanctions, which were an extreme measure, should be utilized with caution and only when all other means of peaceful settlement of

disputes had been exhausted. Furthermore, concrete goals should be pursued, with a view to terminating the sanctions as soon as those goals were achieved. A distinction must be drawn between sanctions based on the Charter of the United Nations and sanctions imposed unilaterally. Under Article 41 of the Charter, the Security Council could decide what measures not involving the use of armed force, including sanctions, were to be employed to give effect to its decisions. In accordance with Article 25 of the Charter, Members of the United Nations agreed to carry out the decisions of the Security Council. His delegation therefore preferred Charter-based sanctions, since they had international legitimacy, while unilateral sanctions were frequently rationalized on the basis of the exercise of the rights of sovereignty, namely, the right of a sovereign State to determine the mode of its relations with another sovereign State. Unilateral sanctions did not promote cohesion and stability in the international system.

9. With regard to the issue of assistance to third States affected by the application of sanctions, Article 50 of the Charter of the United Nations provided that if preventive or enforcement measures against any State were taken by the Security Council, any other State, whether a Member of the United Nations or not, which found itself confronted with special economic problems arising from the carrying out of those measures would have the right to consult the Security Council with regard to a solution of those problems. In the light of that article, it was obvious that third States affected by sanctions imposed on another State had the right to obtain relief. In essence, the right of affected third States to consult the Security Council entailed a search for ways and means of mitigating the effects of the sanctions. Nigeria, along with the majority of the States Members of the United Nations and the international organizations, therefore had difficulty accepting an interpretation of Article 50 which held that affected third States had no right to obtain relief.

10. It was not enough to lend assistance to third States affected by sanctions imposed on another State or States. An effective methodology for assessing the impact of such sanctions on each of the third States affected should be developed, and the type of relief to be extended should also be determined in order to avoid a waste of time and resources. Different ideas had been put forward as to the method of impact assessment to be applied: (a) the Security Council should request an advance assessment of the potential effect of sanctions on both the target State and third States before sanctions were imposed; (b) the Secretariat should monitor the effects of sanctions on third States; (c) the affected third States should be involved in impact assessment, since they were in the best position to determine the type of assistance they required; (d) the sanctions committees established by the Security Council should listen to the views of representatives of the affected States and conduct research on the economic, social and political effects of sanctions upon those States; (e) the Secretariat should provide technical assistance to the affected third States in the preparation of explanatory materials to be attached to their requests for consultation with the Security Council; and (f) in exceptional circumstances, the Secretary-General might send a special representative or a fact-finding mission to carry out impact assessments.

11. His delegation urged the sanctions committees to apply those suggestions on a case-by-case basis. As the primary organ of the United Nations responsible for the maintenance of international peace and security, the Security Council should utilize its sanctions committees for the effective assessment of the adverse consequences of sanctions on third States.

12. He noted with satisfaction the positive response of international organizations and the specialized agencies to the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions. Among those organizations were the World Health Organization (WHO), which had discussed the adverse consequences of sanctions on health, and the Food and Agriculture Organization of the United Nations (FAO), which had discussed the adverse consequences on food security. Those examples showed that the international community was committed to rendering assistance to third States adversely affected by the application of sanctions. His delegation agreed with the views expressed in the report of the ad hoc expert group meeting that financial assistance might need to be supplemented by non-financial trade promotion measures, such as granting of special trade preferences, adjustment of tariffs, allocation of quotas and the like. Nigeria was willing to contribute its share to mitigating the sufferings of such affected third States, as it had done in the case of the frontline States during the imposition of sanctions on South Africa.

13. In keeping with the provisions of Article 33 of the Charter of the United Nations, States could choose from a wide variety of mechanisms for peaceful settlement of disputes. Nigeria recognized the pivotal role played by the International Court of Justice, which should be strengthened since it was labouring under an increased workload with insufficient resources. While the Court was to be commended for its efforts to rationalize the Registry and streamline its work procedures, those measures should

be complemented by an increase in budget allocation, which had been given favourable consideration by the Advisory Committee on Administrative and Budgetary Questions.

14. With regard to the report on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/54/363), which were very useful as sources of information and for research purposes, his delegation supported the efforts of the Secretary-General to reduce the backlog in the publication of those documents. Nigeria welcomed the proposal for the establishment of a trust fund for voluntary contributions to facilitate the regular publication of the documents and would contribute to such a fund. It also welcomed the proposal for the establishment of a training programme for junior professionals interested in acquiring in-depth knowledge of the Charter of the United Nations and the practice of the Security Council. It was to be hoped that when the proposal materialized, preference would be given to professionals from developing countries.

15. His delegation supported the view that the Trusteeship Council should be reconstituted and assume new functions, without, however, encroaching upon the functions of other bodies. The Special Committee on the Charter of the United Nations should undertake a comprehensive study of the new areas to be dealt with by the Council.

16. It was to be hoped that the Special Committee, which had made a valuable contribution to the strengthening of the Organization, would come to terms with the well-intentioned criticisms directed at its working methods by some Member States with the aim of increasing its efficiency. His delegation urged Member States to cooperate with the Special Committee in view of the importance and complexity of the issues within its purview.

17. **Mr. Kuindwa** (Kenya) said that Kenya had always contributed to efforts for the peaceful settlement of conflicts in its subregion, which included the Great Lakes region, Somalia, the Sudan, Eritrea and Ethiopia. While the Security Council had the primary responsibility for maintaining international peace and security, the efforts of individual States and regional bodies in that area should be supported.

18. The region in which Kenya was located had witnessed frequent and indiscriminate conflicts and had had experience with the issue of sanctions. Kenya and other countries had imposed sanctions on a country with which they had maintained strong economic links, and had suffered the ensuing economic, psychological and political consequences. Kenya was therefore convinced that sanctions should be imposed only after all other means of peaceful dispute settlement had been exhausted. Sanctions must be targeted and short term, and must be lifted immediately once their purpose had been achieved. They must not be prolonged for any reason other than those for which they had originally been imposed, and the mitigation of their consequences for third States must be seriously addressed, in line with Article 50 of the Charter.

19. Kenya appreciated the work carried out by the International Court of Justice, which could perform its mandate successfully only if it received the necessary support. In view of the recent increase in the Court's workload, the favourable consideration of its budgetary requests by the Advisory Committee on Administrative and Budgetary Questions and by the Fifth Committee was encouraging. That would enable the Court to settle the matters before it more expeditiously. Meanwhile, the Trusteeship Council should be given a relevant and workable mandate, without prejudice to the Charter of the United Nations or to the functions of other United Nations organs.

20. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization carried out a vital function. Kenya would like that Committee to continue to address the legal issues arising from the reform of the United Nations. Its work must be coordinated with that of other United Nations bodies.

21. **Mr. Adamhar** (Indonesia) said that an effective multilateral organization such as the United Nations was more necessary than ever for laying a solid foundation for lasting peace, common progress and sustainable development. To that end, the Organization should reflect a democratic spirit of equality, equity and transparency in representation and in the decision-making process. It was therefore imperative that the comity of nations should continue the process of review and revitalization to enable the United Nations to adapt to the evolving realities of international life and to strengthen its role as the focal point for efforts to address critical contemporary issues.

22. From the outset, Indonesia and other members of the Movement of Non-Aligned Countries had reiterated the importance of providing, in line with the Charter, assistance to third States, particularly developing ones, that were affected by the imposition of sanctions on another State. In recent years, the prolonged enforcement of sanctions regimes had not been accompanied by the thorough consideration of their problematic short- and

long-term effects on the targeted countries, especially on vulnerable sectors of society, and on neighbouring countries and trading partners. The time-frame, objectives and scope of sanctions should be clearly defined before sanctions were imposed. It was also necessary to take concrete actions, under Article 50 of the Charter, to alleviate the hardships endured by third States; one possibility would be to establish a mechanism such as a fund to assist States affected by sanctions.

23. Relevant in that regard were the report of the Secretary-General (A/53/312), which concerned a possible methodology for assessing the potential effects of sanctions on third States, and document A/54/383, which acknowledged the need to implement the provisions of Article 50 of the Charter in relation to third States that were adversely affected by the imposition of sanctions. He hoped that the latter document would be given particular attention at the next session of the Special Committee.

24. Document A/AC.182/L.100 stressed the importance of excluding the delivery of humanitarian and medical supplies from the sanctions regime and of upholding the principles of impartiality and non-discrimination in the distribution of such supplies.

25. Document A/AC.182/L.89/Add.2 and Corr.1 reaffirmed the importance of the Charter as the basis for peacekeeping operations, and contained many of the guiding principles supported by the Movement of Non-Aligned Countries.

26. In relation to document A/AC.182/L.93/Add.1, Indonesia had consistently maintained that the General Assembly's role as a forum for deliberation, negotiation and decision-making should be strengthened, as should the role of the United Nations in maintaining international peace and security. Indonesia therefore welcomed the proposal on the establishment of a dispute prevention and early settlement service.

27. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue its work in a spirit of cooperation and harmony. The submission of proposals prior to the sessions would facilitate their in-depth study by Member States and would be cost-effective in the light of the Organization's limited resources. Another useful suggestion was the preparation of short-, medium- and long-term programmes, in line with the working methods of the International Law Commission. The convening of the Special Committee's meetings in early spring facilitated the effective participation of delegations. The Special Committee should be enabled to realize its full potential so that it could contribute to the improvement of the Organization.

28. **Mr. Obou** (Côte d'Ivoire) said that the many harmful consequences of sanctions for third countries were a constant problem that could not be ignored. The conclusions reached by the group of experts referred to in the report of the Secretary-General (A/53/312) revealed two objectives which, while apparently different, were actually complementary: on the one hand, to define a set of consistent, practical and agreed principles and methods for mitigating the harmful effects of coercive measures and, on the other, to apply preventive measures as an alternative to the legitimate use of force by the international community. The underlying idea was to rationalize the conditions in which sanctions could be imposed (exclusion of unilateral sanctions, preservation of the nature of sanctions as a last resort) and to limit their content and duration (advance assessment of their impact, evaluation of their effects on the target State and on third States, modulation of sanctions or of methods for imposing them, equitable burden-sharing and prohibition of open-ended sanctions).

29. He supported the principles, methods and values defined by the group of experts, but had some questions on issues which, while apparently subsidiary, could compromise the measures decided upon and thwart the efforts of the international community. First, he asked whether the imposition of coercive measures would depend on the principle of advance assessment of the impact of the sanctions to be imposed. If so, he wondered what would be done in emergency situations and whether provision would be made for derogating from ordinary law when necessary, or whether the international community would be bound exclusively by the outcome of the impact assessment. Second, considering that coercive action was valid only if it served to bring a State into line with the relevant standards, he asked whether the technique of sanctions could be used indefinitely against a recalcitrant State without affecting the humanitarian principles which had inspired their imposition. He wondered whether the intransigence or refusal of the target State would increase the risk of a violent or disproportionate response in the short or medium term. Lastly, he asked whether an appropriate methodology should be devised for drawing a clearer distinction between normal and exceptional crisis situations or whether a set of indicators should be developed for modulating the severity of sanctions according to the prevailing circumstances.

30. Côte d'Ivoire attached great importance to the establishment of the dispute prevention and early

settlement service proposed by Sierra Leone. If they were to be useful, those mechanisms must take into account the specific features of the cultures and traditions of the parties to the conflict, and the international community must recognize the primacy of law. To that end, regional mechanisms must be established or given new responsibilities in that area and must be provided with the necessary financial and human resources. Although there was no magic formula for achieving lasting peace in the world, the progressive inculcation of a culture of peace in the conscience of States and of individuals would be useful, as would efforts to promote the establishment of States governed by the rule of law, as an additional means of resolving crises.

31. **Ms. Efrat-Smilg** (Israel), speaking in exercise of the right of reply, referred to the last paragraph of the statement of the representative of the Syrian Arab Republic. Israel agreed that it should be subject to the same rules as those applied to other States Members of the United Nations, including the Syrian Arab Republic, for participating in the work of relevant regional groups. Unfortunately, in her country's case, that procedure had not been followed. The denial of Israel's rights by the members of the regional group concerned was not consistent with the provisions of Article 2, paragraph 1, of the Charter that established the principle of the sovereign equality of all its Members. She once again reiterated Israel's full compliance with the Charter of the United Nations and with all its provisions.

32. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, reaffirmed that the Syrian Arab Republic was a peace-loving State and that membership of a regional group was based on principles that were applicable to all. His country was one of the founding Members of the United Nations and did not occupy by force the territory of other States. His delegation did not believe that Israel was a peace-loving State, since it occupied by force the territories of other States and neither respected the Charter of the United Nations nor the Organization's decisions. The representative of Israel had mentioned Article 2, paragraph 1, of the Charter. He wished to recall that it was inconsistent with the provisions of the Charter to occupy by force the territory of another State.

33. **Ms. Efrat-Smilg** (Israel), speaking in exercise of the right of reply, said that the Sixth Committee was not the appropriate forum for discussing the situation in the Middle East. She had welcomed the statement that the Syrian Arab Republic was a peace-loving State. In that regard, she reiterated her Government's call to the Governments of Lebanon and the Syrian Arab Republic to resume negotiations with Israel in order to resolve all the pending issues within an appropriate framework. It was unfortunate that prospects of achieving peace and security along the border between Israel and Lebanon was being sabotaged by the Syrian Arab Republic, which was in fact preventing the implementation of Security Council resolution 425 (1978) in order to achieve its own objectives of territorial expansion. She wished to stress, once again, that her country desired peace with all its neighbours and was looking towards the future, not towards the past.

34. **Mr. Obeid** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the statement that his country was opposed to peace was untrue. There was a Security Council resolution that called upon Israel to withdraw its forces from all occupied Lebanese territory without delay. The Sixth Committee was not the appropriate forum for considering the issue. His delegation wished to resume negotiations from the point where they had been broken off, and not to start all over again, cancelling all previous agreements. It was a matter of international credibility and legality. It was not his country that was creating obstacles.

35. **The Chairman** announced that the Sixth Committee had concluded its consideration of agenda item 159 entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Agenda item 154: United Nations Decade of International Law (*continued*) (A/54/98, A/54/362 and A/54/381)

36. **Mr. Büchli** (Netherlands), speaking on behalf of the Russian Federation, introduced the report on the conclusions of the Centennial of the first International Peace Conference held in 1899 (A/54/381) that had ushered in a new era in international relations: the era of the international rule of law and multilateral diplomacy.

37. The new "roaming conferences" format, which had been used in the Centennial debates, had proved to be very effective and transparent. All participants had had access to the same documents on the Internet and had had a veritable virtual conference room for their debates. Moreover, participation had been open to all interested parties, and not to government delegates only. The clarity of points of view that had been expressed during the Centennial debates could be largely attributed to that open conferencing model, which could be recommended for future use.

38. The keynote speeches had stressed the need to shift the focus away from the current reactive interpretation of law and diplomacy towards a more preventive interpretation, while at the same time respecting the rights of all the parties involved. The legal experts who had participated in the debates had been urged to study the possibility of adopting such preventive international actions. Such a study should be conducted within the context of a global and open debate at expert level like the one that had been held within the context of the celebration of the Centennial of the First International Peace Conference.

39. As far as the general tenure of the Centennial conclusions was concerned, the experts had agreed that no new codification would be needed, since the best way of maintaining and advancing the international rule of law was full adherence to present international law.

40. The co-hosts preferred to maintain a neutral position and not to present their text as the definitive version of the Centennial debates. They therefore proposed that the General Assembly should request the Secretary-General to draw the attention of the relevant international forums to the conclusions of the experts on the Centennial debates, and to invite those international forums to implement the suggestions contained in those conclusions in accordance with their own rules and policies.

41. **Mr. Hakapää** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and the European Free Trade Association Country Member of the European Economic Area, Iceland, said that the adoption of the Rome Statute of the International Criminal Court in 1998 had been a quantum leap in the development and practical implementation of the rules of international law. The Court would not only prosecute acts already committed, but would also serve as a deterrent to future violations. At the same time, the increase in international law regimes made it necessary to ensure that the integrity of international law was maintained.

42. In that regard, valuable work had been done under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The European Union had contributed substantially to that Programme. Also worth mentioning were the student exchange programmes, with which the European Union had obtained excellent results, and the international law dissemination services provided by the United Nations through the Internet. The report of the Secretary-General noted an impressive increase in the number of visits to the *United Nations Treaty Collection* since its introduction in 1995. It was essential to ensure the complete and speedy publication of the international instruments under consideration.

43. According to Article 13 of the Charter, the task of the General Assembly was to encourage the progressive development of international law and its codification. However, other international organizations had also elaborated new instruments with that same objective in view. The International Law Commission was at the heart of the efforts to develop and codify international law. Although its work was commendable, the Commission should adjust its working methods and procedures to the practical demands of changing times. The Sixth Committee had been directly involved in several treaty projects which had produced concrete results.

44. During the Decade, environmental regulation had become a core issue for modern international law. The European Union, which was a party to a number of environment-related international instruments, attached particular importance to that field of law.

45. With respect to the goal of promoting means and methods for the peaceful settlement of disputes between States, including resort to the International Court of Justice, the international community had demonstrated increased confidence in the Court. However, it would be desirable for more countries to resort to its jurisdiction and for the States Members of the United Nations to provide it with adequate resources. The Decade had also witnessed the formation of the International Tribunal for the Law of the Sea, which had helped to settle legal disputes in that area.

46. Lastly, special thanks were due to the Governments of the Netherlands and the Russian Federation for hosting the Centennial celebrations for the first International Peace Conference in The Hague and St. Petersburg and to the Secretary-General and the United Nations Office of Legal Affairs, whose work had been essential to the success of the Decade.

47. **Ms. Flores Liera** (Mexico), speaking on behalf of the Rio Group, said that the period 1990-1999 had been productive, particularly with regard to the codification and progressive development of international law, but that much remained to be done to ensure compliance with and respect for its provisions.

48. The Rio Group took note of the report of the Secretary-General (A/54/362) and thanked the States and

organizations that had provided information on the topic. She noted with satisfaction that one of the achievements of the Decade, the deposit by the United Nations of the act of formal confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, had laid the foundation for that instrument's entry into force and said she hoped that specialized agencies other than the International Maritime Organization (IMO) and the World Intellectual Property Organization (WIPO) would consider becoming parties to it.

49. At the inter-American level, the promotion, teaching and dissemination of international law had continued and an increasing number of courses in that field were being offered by universities and research institutions. The report of the Secretary-General described the many law-related activities carried out at the continental level. During the Decade, the Organization of American States (OAS) had promulgated a series of legal instruments concerning, *inter alia*, the forced disappearance of persons, the punishment and eradication of violence against women, illicit traffic in minors, corruption, illicit trafficking in firearms and the elimination of discrimination against persons with disabilities. Particularly noteworthy was the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, adopted by OAS in June 1999. That instrument, the first of its kind, established a series of obligations such as the creation of infrastructures to facilitate the movement of persons with disabilities and the implementation of awareness-raising campaigns; a follow-up and assessment mechanism had also been established in order to promote cooperation between States in the achievement of its objectives.

50. During the period 1990-1999, the Inter-American Juridical Committee and the Inter-American Court of Human Rights had published many books on international law. Furthermore, on 1 October 1999, the Court had issued an advisory opinion on minimum judicial guarantees and due process in the context of capital sentences handed down against foreigners whom the receiving State had not informed of their right to communicate with the consular authorities of the State of which they were nationals.

51. In commemoration of the thirtieth anniversary of the American Convention on Human Rights and the twentieth anniversary of the Inter-American Court of Human Rights, an official ceremony would take place in San José, Costa Rica, on 22 November 1999 and would be attended by representatives of OAS member States and other distinguished members of the international community. The Rio Group noted with interest the concluding comments contained in document A/54/38 and considered that the General Assembly, at its current session, should lay the foundation for the international community's continued efforts to make respect for international law a reality in the near future.

52. **Mr. Park Hee-kwon** (Republic of Korea) thanked the Governments of the Netherlands and the Russian Federation for hosting the Centennial celebration of the first International Peace Conference, which had been convened in The Hague in 1899 in order to elaborate instruments for the peaceful settlement of international crises, the prevention of wars and the codification of the rules of warfare. That Conference had marked the beginning of what was known as multilateral diplomacy.

53. The Hague Conference's contribution to the peaceful settlement of international disputes was undeniable. In particular, significant progress had been made in defining the nature of arbitration and in codifying rules of procedure, as a consequence of which various arbitration agreements had been concluded and numerous disputes had been submitted to international arbitration. The International Court of Justice was a consequence of those initial efforts in the area of modern international arbitration. The most important aspect of the first Hague Conference had been the promotion of the concept of codification, which had contributed significantly to the development of international law. Since 1899, the development of international law and its codification had expanded dramatically as a result of the solid legal framework established in The Hague. Many new States had been added to the international community, and the international scene had taken on new dimensions thanks to the active, participatory presence of international organizations, non-governmental organizations and civil society and to changes resulting from major industrial and technological advances and the information revolution. The instruments created by the Conference must doubtless be modernized and adapted to the needs of a constantly changing international environment, but the humanistic spirit of the Hague Conference still framed the Committee's goals and work. Although his country had not been invited to participate in the first International Peace Conference in 1899, a century later it was firmly committed to respecting and promoting the spirit of that Conference.

54. Despite the violent conflicts persisting in various parts of the world, the maintenance of international peace and security would remain one of humanity's most important obligations in the coming years. In order to meet that challenge, the creation of a "culture of peace" based

on the rule of international law should be the goal of the next millennium.

55. The conclusion of the United Nations Decade of International Law should not bring an end to efforts to promote the rule of international law and its progressive development and codification. In that regard, his delegation fully supported the proposal that the programmes of the Decade should continue beyond the year 1999.

56. **Mr. Kawamura** (Japan) said that the activities to commemorate the Centennial of the first International Peace Conference had been a great success. The commemoration had stressed the need for an international order based on the rule of law and the duty of the international community to build peace and to prevent violations of international rules. With regard to the conclusions on the Centennial themes, the Government of Japan was of the view that, while considerable progress had been made in the field of disarmament and arms control, it was an irrefutable fact that the process had stalled during the previous several years. For example, since the conclusion of the negotiations on the Comprehensive Nuclear-Test Ban Treaty, the Conference on Disarmament had not been able to embark on substantive negotiations on the Fissile Material Cut-off Treaty or to begin discussions on nuclear disarmament in general. During the Centennial, useful suggestions had been made concerning the entry into force of the Comprehensive Nuclear-Test Ban Treaty, the conclusion of the negotiations on and entry into force of the Fissile Material Cut-off Treaty, the ratification and entry into force of the second Strategic Arms Reduction Treaty (START 2) and the negotiations on START 3. Japan hoped that substantive progress could be made in the light of the above-mentioned conclusions.

57. Concerning humanitarian law and the laws of war, Japan welcomed the adoption of the new Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Rome Statute of the International Criminal Court. Compliance with international humanitarian law needed to be further improved in the light of the numerous violations of such norms.

58. Japan was of the view that States should make greater use of existing mechanisms for the peaceful settlement of disputes. The reason why available mechanisms did not function properly might be due to the lack of political will rather than to any inherent deficiencies. The International Court of Justice played an important role in that regard and Japan reiterated its appeal to States to accept the compulsory jurisdiction of the Court. The Government of Japan had decided to contribute $24,000 to the Trust Fund of the Court. Japan's annual contributions to the Fund were a clear expression of its support for the principle of peaceful settlement of international disputes.

59. In the view of the delegation of Japan, the United Nations Decade of International Law could be considered a success, since its main purposes had been achieved. The Government of Japan was pleased in particular that so many multilateral conventions had been adopted during the Decade under the auspices of the United Nations and at the active role which Japan had played.

60. One of the main purposes of the Decade was to encourage the teaching, study and dissemination of international law. Significant progress had also been made in that field. Japan had organized many symposia, conferences, seminars, lectures and meetings on international law and had contributed to the promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. In addition, Japan had published the Japanese Annual of International Law.

61. Lastly, Member States should widely disseminate to the public the report of the Secretary-General, which was a very useful document. Even though the United Nations Decade of International Law was drawing to a close, efforts to realize the main purposes of the Decade should be continued in the next millennium.

62. **Mr. Vázquez** (Venezuela) said that his delegation wished to associate itself with the statement made by the delegation of Mexico on behalf of the Rio Group. The year 1999 was one of very special significance for the United Nations. It was the closing year of the United Nations Decade of International Law and coincided with the Centennial of the first International Peace Conference and the fiftieth anniversary of the 1949 Geneva Conventions. The report of the Secretary-General on the United Nations Decade of International Law (A/54/362) reviewed the various activities of Member States, the United Nations system, regional organizations and academic institutions aimed at achieving the objectives of the Decade, as set out in General Assembly resolution 44/23 of 17 December 1989. In that regard, the balance sheet for the progressive development of international law and its codification was very positive. For example, the report contained a list of the numerous multilateral conventions which had been

adopted under the auspices of the United Nations during the Decade. An equally large number of international instruments had also been approved during that period by international organizations, agencies of the United Nations system and regional organizations.

63. Special mention should be made of the work of progressive development of international law and its codification which was being done by the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL), as well as of the advisory opinions of the International Court of Justice and the implementation by the Court of international principles and norms. States were placing increased confidence in the Court, as shown by the increase in the number of cases which had been submitted to it during the Decade. Mention should also be made of the operation of other international and regional judicial mechanisms. He wished to commend the work done at the global level to establish norms for the regulation of international relations in all spheres of human activity. Attention should also be drawn to the active participation of the developing countries in such standard-setting activities, which were of particular importance for the promotion of international law to regulate the rights and obligations of States within the framework of an international society characterized by its interdependence. To that end, there was need for the continuous development of norms that took account of the changing reality of the contemporary world.

64. The United Nations had managed to give an effective legal response to fundamental issues which had been raised at the international level. The proclamation of the period 1990-1999 as the United Nations Decade of International Law and the establishment, at the initiative of the non-aligned countries, of the corresponding programme of action had contributed significantly to the results that had been achieved.

65. In order for the rule of law to prevail in international relations, it was not sufficient to establish norms. Those norms must also be respected and observed. Thus, as the delegation of Mexico, speaking on behalf of the Rio Group, had stated, a great deal still remained to be done. The United Nations must therefore renew its efforts to ensure that all States acted in compliance with international law and its principles. Ecuador reaffirmed its firm support for the United Nations in the pursuit of those objectives.

66. During the Decade, Ecuador had become party to numerous international instruments, such as the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Ecuador had also signed a bilateral agreement which had very special significance and, in fact, was the best contribution that two countries had been able to make to the fulfilment of another of the principal objectives of the Decade, namely, the promotion of ways and means of peaceful settlement of disputes between States. He was referring to the comprehensive agreements signed in October 1998 between Ecuador and Peru, which had settled the territorial dispute that had existed between the two countries for more than a century and a half. The agreements provided for, *inter alia*, the on-site marking of the common land boundary, a Treaty on Trade and Navigation, a Comprehensive Peruvian-Ecuadorian Agreement on Border Integration, and the establishment of a Binational Peruvian-Ecuadorian Commission on Mutual Confidence-Building and Security Measures.

67. With reference to the report on the Centennial of the first International Peace Conference, the noble purposes and objectives which had been established 100 years before for the promotion of peace and international humanitarian law remained fully valid in the current turbulent world. In that connection, mention should be made of the commendable work done by the International Committee of the Red Cross, which planned to publish in early 2000 a study on the customary norms of humanitarian law applicable in international and non-international armed conflicts.

68. He expressed his gratitude to the United Nations Office of Legal Affairs for its ongoing contribution to the work of progressive development and codification of international law, particularly for maintaining and updating the treaty data base as well as numerous web sites containing information on United Nations efforts in the area of international law; the creation of the United Nations Audio-visual Library in International Law, which was at an early stage of operations; the preparation of a publication entitled *Collection of Essays by Legal Advisers of States, Legal Advisers of International Organizations and Practitioners in the Field of International Law*, and the preparation of a publication on the United Nations and the development of international law during the 1990s.

69. Since the United Nations Decade of International Law was about to conclude, it was appropriate for the Organization to reaffirm its objectives for the next two decades and to take note of the commitment of Member States to continue to seek to establish mechanisms with a view to promoting more effective compliance with international law.

70. **Mr. Kerma** (Algeria) said that within a few weeks the new century would begin, coinciding with the closure of the United Nations Decade of International Law. That was a good time to measure advances made, to assess their impact on the evolution of international law, and to identify the elements that had blocked the attainment of the Decade's objectives, as set out in General Assembly resolution 44/23.

71. His delegation was satisfied that the various activities conducted had helped to realize the aspirations expressed at the start of the Decade. Many States, especially African and Asian ones, had used the International Court of Justice for the settlement of their disputes. The Court had become the inevitable forum for the settlement of disputes between States and its needs, particularly for human and financial resources, must be met so that it could carry out its mission under the best possible conditions.

72. Marked progress had been made in the progressive development and codification of international law. In that regard, mention should be made of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the Statute of the International Criminal Court, and the International Convention for the Suppression of Terrorist Bombings.

73. Progress had also been made in the law of the sea, including the creation and effective functioning of various bodies envisaged under the Convention on the Law of the Sea. Moreover, in the area of international trade law, many legal texts of great interest had been prepared.

74. Also of note was the important work being carried out by the International Law Commission, whose careful studies on a number of topics had been the basis for discussions and negotiations between States with respect to the preparation of legal instruments and the development of new areas of international law.

75. All those efforts would have been to no avail without the assistance provided by the United Nations Office of Legal Affairs to the various conferences for the negotiation and adoption of major legal instruments within the framework of the codification of international law. The holding of a number of seminars and conferences and the publication of the Juridical Yearbook and other instruments through the electronic media had allowed for a larger segment of the public to become familiar with international law. Training seminars and information meetings on uniform rules on international trade law had been organized, to disseminate texts formulated by the United Nations Commission on International Trade Law and to encourage States to adopt them.

76. The celebration of the Centennial of the first International Peace Conference of 1899, organized by the Russian Federation and the Netherlands, had been one of the most important undertakings of the Decade. Also worth mentioning was the Hague Agenda for Peace and Justice for the Twenty-first Century (A/54/98, annex).

77. The progressive development and codification of international law would firmly establish the primacy of law and the use of peaceful means to settle disputes. His Government was sparing no effort to promote the dissemination of international law in its universities and institutions of higher learning, as well as among the broader public. Algeria's accession to a large number of international conventions and treaties on a great variety of subjects attested to its commitment to the primacy of law and the wide application thereof.

78. The proclamation of the United Nations Decade of International Law demonstrated that, increasingly, States and international organizations believed in an interdependent world in which individual interests could be better protected through a system of universally accepted norms. It also reflected the desire of the international community to enter into a new era of international relations in which the principles of the Charter of the United Nations would be fully respected.

79. Sovereignty created international law and also constituted one of its basic principles. International law was not decreed from above and imposed on States; rather, it emanated directly from their consent. The codification of international law was a noble undertaking; to strengthen its universal and binding nature, however, more States must participate in its codification and implementation. Special attention would therefore have to be paid to the diversity of States, to their level of development, and to their political and cultural particularities and the developing countries would have to participate increasingly in international negotiations at which legal instruments were formulated, in order to promote acceptance of those instruments.

80. Despite the many advances made, some of the goals of the Decade had not been fulfilled. Much remained to be done to ensure the absolute primacy of law and to promote full respect for the goals and principles of the Charter.

81. **Mr. Cayetano** (Philippines) said that the objective of promoting acceptance and respect for the principles of international law, which objective was enshrined in his

country's Constitution, could not be achieved simply through the United Nations Decade of International Law. The needs of countries relative to their diverse characteristics and particular stage of development should also be borne in mind.

82. Regarding the objective of promoting means and methods for the peaceful settlement of disputes between States, the Association of Southeast Asian Nations (ASEAN) had established a regional dispute mechanism and was preparing a paper on preventive diplomacy. Within the scope of United Nations activities, attention should be drawn to the Manila Declaration on the Peaceful Settlement of International Disputes, 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, and the work of the International Law Commission to facilitate the establishment of substantive norms providing for the peaceful settlement of disputes. In his view, the United Nations system of organizations and regional and other organizations working in the field of international law should be invited, on a regular basis, to participate in efforts to attain that objective.

83. Activities related to the progressive development of international law and its codification should be adapted to the functions of the International Law Commission as well as to changing international realities.

84. Lastly, his delegation was satisfied with the efforts of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which was of particular importance for the legal empowerment programme that had been submitted to the Philippine Senate.

The meeting rose at 1.05 p.m.