

be appropriate to permit the assessment of the progress made during the Decade.

At its 51st Session the Sixth Committee of the General Assembly considered a proposal related to the 1999 Action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law” submitted by the Governments of the Netherlands and the Russian Federation. It recommended that the General Assembly invite the Governments of the Russian Federation and the Netherlands to arrange a preliminary discussion with other interested Member States on the substantive content of 1999 action and to seek in this respect the cooperation of the International Court of Justice, the Permanent Court of Arbitration relevant intergovernmental organizations, as well as other relevant organizations.¹⁸ The Sixth Committee also recommended that the General Assembly call upon the competent United Nations organs, programmes and specialized agencies to study the possibilities of providing assistance to that end. Finally, the Sixth Committee recommended that the Assembly include in the provisional agenda of its 52nd session, under the item “United Nations Decade of International Law” a sub-item entitled “1999 Action dedicated to the Centennial of the First International Peace Conference and to closing of the United Nations Decade of International Law”.

It was against this backdrop that the Sixth Committee considered the Programme of Action for the Celebration of the Centennial of the First International Peace Conference proposed by the Russian Federation and the Netherlands. The proposal envisaged that the three main themes viz. (1) the armament question; (ii) humanitarian law and the laws, and customs of war; and (iii) the peaceful settlement of disputes, on the agenda of the First Peace Conference would feature on the agenda of the 1999 celebration of the centennial of the first Hague Peace Conference.¹⁹

¹⁸ See *United Nations Decade of International Law.. Report of the Sixth Committee Doc. A/51/625* dated December 1996. Also See A/C.6/51/5

¹⁹ See A/52/

The General Assembly at its 52nd Session welcomed the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Governments of the Kingdom of the Netherlands and of the Russian Federation aiming to contribute to the further development of the themes of the first and the second International Peace Conference and which could be regarded as a third International Peace Conference. The Assembly invited (i) the Governments of the Kingdom of the Netherlands and of the Russian Federation to proceed with the implementation of the Programme of Action; (ii) all States to participate in the activities set out in the Programme of Action, as well as to initiate such activities and to coordinate their efforts in this respect at the global level, as well as at the regional and national levels; and (iii) All States to take appropriate measures to ensure universal participation in the activities pursuant to the Programme of Action, with special consideration for the participation of representatives of the least developed countries.²⁰

The AALCC at its 37th Session may, perhaps wish to consider this issue and give directions as to role of the AALCC Secretariat in the 1999 action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law. In its consideration of the role of the Secretariat, the AALCC may wish to recall that the “first and the second International Peace Conferences as well as the League of Nations and the United Nations subsequently have significantly encouraged the progressive development of international law and thereby contributed to the maintenance of international peace and security.

Further it may be recalled in this regard that an item entitled “Cooperation Between the United Nations and the Asian African Legal Consultative Committee” was placed on the provisional agenda of the 53rd Session of the General Assembly and that in its resolution on the “Cooperation”²⁰ It called upon the competent United Nations organs, subsidiary organs, programmes and specialized agencies, including the International Court of Justice, the International Law Commission and the Secretariat, within their respective mandates, competencies and budgets as well as upon other international organizations to cooperate in the implementation of the Programme of Action and to coordinate their efforts in this respect, and to consider participation in the activities envisaged in the Programme of Action. For Details see Action to be taken dedicated to the 1999 centennial of the first Peace Conference and to the closing of the United Nations Decade of International Law reproduced in Annexure

Between the United Nations and the Asian African Legal Consultative Committee" adopted on 4 November 1996 the General Assembly had inter alia noted with appreciation the decision of the AALCC to participate actively in the programmes of the United Nations Decade of International Law.²¹

Comments And Observations

It will be recalled that the AALCC was constituted in November 1956 and has over the years established itself as a major forum for international cooperation and its work programme has accordingly been attuned to meet the needs of an expanding membership. In the words of former Secretary-General of the Committee "from a small beginning composed of a membership of no more than seven Governments emerging as an outcome of the historic Bandung Conference, the Committee had gradually established itself, over the years, as a major forum for international cooperation. Its Work programme has also been suitably oriented to meet the needs of an expanding membership which now includes 44 States embracing the two continents of Asia and Africa".

The United Nations Decade of International Law, which had initially been called for by the non-aligned movement countries has witnessed more success than had been anticipated at the time of the adoption of the General Assembly Resolution 44/23. The increasing number of ratification and accessions to various multilateral conventions such as the convention on the Law of the Sea, the Conventions relating to the Environment, the establishment of WTO following the conclusion of the Uruguay Rounds of talks are among some of the pointers underscoring the success of the Decade.

The successful attainment of the programmes of activities of the Decade owes much to the cooperation of the States, inter-institutional cooperation and general international cooperation. The AALCC has hitherto made its modest contribution to the attainment of the objectives of the United Nations Decade of International Law and the success attributable to the organizations of work relating to the United Nations Decade of International Law.

²¹ See General Assembly resolution 51/11 of 4 November 1996

Finally, it may be stated that the Secretariat of the AALCC shall continue to liaise and cooperate with other competent regional organizations and specialized agencies of the United Nations in the fulfillment of the activities and programme of work during the third term of the Decade (1997-99) aimed at realizing the objectives of the United Nations Decade of International Law. The AALCC at its Thirty-seventh Session in New Delhi may wish to give further specific directives as to the further role of the Secretariat during the last phase of the United Nations Decade of International Law.

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee¹

DRAFT RESOLUTION I

United Nations Decade of International Law

The General Assembly,

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

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

- (a) To promote acceptance of and respect for the principles of international law;
- (b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;
- (c) To encourage the progressive development of international law and its codification;
- (d) To encourage the teaching, study, dissemination and wider appreciation of international law,

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

¹ A/52/647 dated 25 November 1997.

Expressing its appreciation for the note submitted by the Secretary-General,² and having considered the note,

Recalling that the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986³ is one of the Conventions adopted under the aegis of the United Nations which have codified the Law of treaties, and recalling also its impact on the practice of treaties concluded between States and international organizations or between international organizations,

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

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

Having considered the oral report of the Chairman of the Working Group to the Sixth Committee.⁴

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

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

² A/52/363.

³ A/CONF.129/15.

⁴ See A/C.6/52/SR.30.

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

4. Encourages States to disseminate at the national level, as appropriate, information contained in the note submitted by the Secretary-General.⁵

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

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

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

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

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

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

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

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

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

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

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

⁵ United Nations, Treaty Series, Vol. 859/860, p. VIII

DRAFT RESOLUTION II

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

The General Assembly,

Reaffirming once again the commitment of the United Nations and its Member States, as well as the States parties to the Statute of the International Court of Justice, to the goals of the United Nations Decade of international Law, expressed by the General Assembly in resolutions under that item of its agenda,⁶

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

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

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

the Permanent Court of Arbitration, relevant intergovernmental organizations, as well as other relevant organizations,

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

Noting with satisfaction that the realization of all those proposals in the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Netherlands and the Russian Federation,⁷ is consistent with the goals of the United Nations Decade of International Law,

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

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

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

2. Encourages:

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

⁷ A/C.6/52/3.

⁶ Notably resolutions 44/23 and 51/157.

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

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

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

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

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

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

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

DRAFT RESOLUTION III
**DRAFT GUIDING PRINCIPLES FOR INTERNATIONAL
NEGOTIATIONS**

The General Assembly,

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

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

Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,⁸

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

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

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

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

⁸ Resolution 2625 (XXV). Annex.