

United Nations  
**GENERAL  
ASSEMBLY**

TWENTY-FIFTH SESSION

Official Records



**SIXTH COMMITTEE, 1180th  
MEETING**

Thursday, 24 September 1970,  
at 3.10 p.m.

NEW YORK

Chairman: Mr. Paul Bamela ENGO (Cameroon).

**AGENDA ITEM 85**

**Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations: report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (continued) (A/8018)**

1. Mr. BILOA-TANG (Cameroon) stressed that the draft Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (see A/8018, para. 83) reflected the aspirations of his Government and was in accordance with the line of conduct which that Government had always followed. The principle of the self-determination of peoples had enabled Cameroon to accede to independence and subsequently to institute a bilingual federation which was unique in Africa. Desiring to ensure the over-all development of the country and its security, his Government had linked itself with its neighbours by co-operation agreements and maintained with all countries friendly relations based on the principle of non-interference and mutual respect. Furthermore, it had always honoured its obligations and striven to settle its disputes by peaceful methods.

2. In the face of the persistence in Africa of colonial situations stemming from the infringement of the principle of the right of peoples to self-determination, Cameroon had been actively engaged in promoting any international action designed to promote the principles of the equality and sovereignty of peoples and their self-determination. In that spirit, it had always vigorously supported the work of the International Law Commission and of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.

3. His delegation considered that the development of international law should reflect the aspirations of the whole of the international community; it was glad to note that, despite certain inadequacies, the draft Declaration which was before the Committee showed progress in that development, but it felt it essential to stress that the real value of the principles proclaimed in the Declaration would be in direct proportion to the extent to which they were applied. Finally, his delegation preferred that the title of the Declaration should be amended in accordance with the proposal appearing in paragraph 89 of the report.

4. Mr. KA (Senegal) noted that the Charter of the United Nations had already proclaimed a whole range of general

principles governing co-operation and friendly relations among States; the very fact that it had proved necessary to define the content and scope of those principles showed that certain States had lacked the political will required for their application and had not always abided by the spirit and the letter of the Charter. Hence his delegation considered it useful for the draft Declaration to define those principles again so that States could renew their commitment to apply them in good faith. The proposed text represented an important contribution to the codification of current international law, to the democratization of international relations and to the harmonious development of relations among States. However, the title of the draft Declaration should be slightly amended in accordance with the proposal contained in paragraph 89 of the report and the wording of the right to self-determination of peoples, reaffirmed in General Assembly resolution 1514 (XV), should have been drafted more clearly.

5. Senegal, whose foreign policy rested on a patient search for points of agreement among States, could not fail to welcome any measure aimed at promoting the rule of law among nations. His delegation would support the draft Declaration, considering that the Declaration would constitute not only a useful guide for States, but also one of the fundamental documents of the commemorative session of the General Assembly.

6. Mr. YASSEEN (Iraq) first stressed the value of the results achieved by the Special Committee, and in particular that of the draft Declaration which was before the Committee. That document was the fruit of a compromise reached by the members of the Committee and consequently its approval should present no difficulties. The principles contained therein formed a practically indivisible whole, each element of which clarified and supplemented the others and served to interpret them. Furthermore, in his delegation's view, they constituted fundamental principles of international law which States were bound to respect and which therefore could be considered as true rules of *jus cogens*.

7. However, there were certain defects in the draft Declaration, particularly with regard to drafting, and it was sometimes lacking in precision. Indeed his delegation considered that the draft Declaration could have shown greater boldness; it could have been considered, for example, that any occupation of a territory by force constituted a continuing armed aggression and justified the exercise of self-defence, in accordance with Article 51 of the Charter; similarly, it would have been preferable to regard as illegal any advantage—and not only territorial acquisitions—arising out of recourse to the threat or use of force; the draft Declaration could also, following the work of bodies such as the United Nations Conference on Trade

and Development, have proclaimed more vigorously the duty of co-operation incumbent on States in the economic field and the need to fight against under-development; lastly, it was regrettable that it did not mention General Assembly resolution 1514 (XV) in connexion with the principle of equal rights and self-determination of peoples, that it only referred to the duty to bring a "speedy" and not an "immediate" end to colonialism and did not affirm unequivocally the right of self-defence of the peoples still under colonial domination.

8. However, the content of the draft Declaration derived its value from its very source. Since its formulations constituted an attempt to clarify and interpret the fundamental principles of the Charter, they should be regarded as having binding force, to the same extent as the latter, and as forming part of positive international law.

9. It should not be overlooked that, like all legislation, the principles contained in the draft Declaration should be regarded as being a continuous duty, and hence liable to be reconsidered and extended in depth in order to reflect the development of international life.

10. He thought the insertion of the words "peaceful and" before the words "friendly relations" in the title of the Declaration was superfluous; he favoured the retention of the present title.

11. Mr. PINTO (Ceylon) emphasized the wide scope and importance of the task assigned to the Special Committee. That body could not limit itself to reaffirming the principles laid down in the Charter, or even to summarizing in several paragraphs what was sometimes called the "law of peace", although that task was difficult enough in itself. The Special Committee was in fact required, without disregarding the political aspects of the problem, to codify a set of principles designed to govern the relations between States which were divided by different economic, social and political systems, but were united by their renunciation of war. Thus, a group of States operating under the auspices of the United Nations was called upon to set out for the first time the fundamental principles of peaceful coexistence.

12. That, however, was not the first attempt to formulate the principles. In that connexion, he cited the Declaration of the Asian-African Conference held at Bandung in 1955, pointing out that it was practically identical in substance with the draft Declaration before the Sixth Committee. He also drew attention to the work of the Third Conference of Heads of State or Government of Non-Aligned Countries, recently held at Lusaka.

13. Turning to the draft Declaration, he regretted that some passages were not clear. Thus, in the second paragraph of the formulation of the principle of non-intervention in matters within the domestic jurisdiction of any State, it was laid down that States should refrain from all activities directed towards the "violent overthrow" of the régime of another State. Did that mean that less extreme activities were permissible? Similarly, in the English text of the formulation of the principle concerning the duty of States to co-operate with one another, that co-operation, which was first set out as an obligation ("States have the duty to co-operate . . ."), was merely expressed as a wish ("States should co-operate . . .") in the last paragraph.

14. On the other hand, the Ceylonese delegation was particularly glad to note that the second paragraph of the formulation of the principle of non-intervention made it clear that coercion against another State was condemned not only in its military form, but also in its political and economic forms. His delegation was also glad to note that the last paragraph of the formulation of the principle of equal rights and self-determination of peoples provided some protection for multiracial States.

15. But neither criticisms nor expressions of satisfaction should obscure the essential point: in the final analysis, the future of the Declaration would depend on the political will of States to apply it. Ceylon, for its part, was firmly resolved to act in accordance with its provisions; he read out an extract from a statement to that effect delivered at Lusaka by the Ceylonese Prime Minister.

16. His delegation intended to join other delegations in submitting a draft resolution on the item under discussion.

17. Mr. TSURUOKA (Japan) said that the draft Declaration reflected the spirit of conciliation whereby it had been possible to overcome the differences which had divided the members of the Special Committee. A dynamic and forward-looking spirit was needed more than ever on the occasion of the commemoration of the twenty-fifth anniversary of the United Nations. The significance of the Declaration was to be found in the fact that it elaborated the basic principles of the Charter and provided guidelines for States in their international conduct. Its true value would be appreciated if States would observe it faithfully and would develop better mutual relations in the years to come.

18. In that context, it seemed to his delegation neither appropriate nor necessary to be concerned with things of the past, to discuss situations that existed before the Charter régime and to speak of their consequences. In that connexion, his delegation noted with regret that certain provisions of the draft Declaration, particularly the last sentence of the tenth paragraph of the principle prohibiting the threat or use of force, were not in consonance with the desirable forward-looking spirit. It therefore wished to make it clear that its support of that important principle would not prejudice the position of the Japanese Government with regard to any Articles of the Charter which might be relevant to that paragraph and to the interpretation thereof.

19. The Japanese delegation also considered that the efficacy of the Declaration as an instrument for the maintenance of international peace and security and the development of friendly relations and co-operation between nations would have been enhanced if the role of judicial settlement, particularly that of the International Court of Justice, had been more strongly emphasized in connexion with the principles of peaceful settlement of disputes.

20. Subject to those considerations, the Japanese delegation would support the draft Declaration and wished to express the hope that it would be adopted unanimously in the Committee and then in the General Assembly, and that the observance of its provisions by all States would serve the cause of peace, justice and progress.

21. Mr. GIMER (United States of America), referring to the background of the draft Declaration, pointed out that the admission of new Members to the United Nations and passage of time since 1945 both warranted a review of the principles of the Charter in furtherance of Article 13 of that instrument. The United States Government had agreed to such a review, provided it took the form of a careful analysis of the basic legal principles of the Charter governing the conduct of States, not of a so-called declaration on the principles of peaceful coexistence, since certain countries had sought to give the last-named term political overtones; the United States Government was pleased that the Special Committee had not followed that partisan course. It was also glad to observe that the draft Declaration was an objective statement of relevant Charter principles, not an attempt to revise that instrument. Furthermore, it was glad that the Special Committee, in the light of experience, had adopted all its decisions by the process of consensus and unanimously.

22. He went on to emphasize the high quality of the text submitted to the Committee, especially of the formulation of the principle of the prohibition of the threat or use of force. That formulation clarified and strengthened the provisions of the Charter, since it referred not only to conventional armed attack, but also to the illegality of organizing or encouraging irregular forces, armed bands, acts of terrorism and civil strife in other States. It also prohibited the violation by States not only of traditional frontiers but of international lines of demarcation. Similarly, the formulation of the principle of the duty of States to fulfil in good faith the obligations assumed by them was an important contribution to international law.

23. Turning to more specific points, he stressed that the prohibition of war propaganda, set out in the formulation of the first principle, applied only to statements by governments, not to the activities of individuals or private groups. He also pointed out that the provisions on civil strife and terrorism did not limit the right of a State to provide military assistance to another State at the request of the latter. He further added that in the understanding of the United States Government, the formulation in the tenth paragraph did not authorize any State to intervene by force unilaterally in the affairs of any other State.

24. With regard to the principle concerning the duty of States to co-operate with one another, he emphasized the importance of the concept of reciprocity; a state could not complain of a lack of co-operation by others if it was itself unwilling to co-operate.

25. The United States delegation was glad that, in the principle of equal rights and self-determination of peoples, that right was recognized as belonging to "all peoples", not only to dependent peoples. It approved of the obligation of States "to bring a speedy end to colonialism" because of the importance attached by the text to "the freely expressed will of the peoples concerned". He noted that reasonable men could differ as to the meaning of "speedy". He was also glad to see in the fourth paragraph of the formulation of that principle that the establishment of an independent State was not the only possible way in which peoples could exercise the right of self-determination, and that integration and free association were regarded as

equally legitimate so long they were freely chosen. In connexion with the second sentence of the fifth paragraph, his delegation wished to point out that that provision did not give States the right to intervene by military means in the territories concerned, but only that of giving support in accordance with the purposes and principles of the Charter. The fifth paragraph did not limit the right of an Administering Authority to use appropriate police measures in the territories for which it was responsible.

26. After referring to the importance of the principle of the sovereign equality of States, he said that, taken as a whole, the draft was a worthy contribution to the twenty-fifth anniversary of the United Nations and to the maintenance of peace, and expressed the hope that the draft Declaration would be adopted by the General Assembly.

27. Mr. BIKOUTH (People's Republic of the Congo) said that, although his delegation would have wished the draft Declaration to be bolder in concept, it would nevertheless support it in a spirit of compromise. He agreed with the Tanzanian delegation that the principle of self-determination should have been given greater emphasis (see 1179th meeting, para. 43).

28. Mr. TUTU (Ghana) said he was glad that the Special Committee had succeeded in completing its work and approving the draft Declaration by consensus. His delegation fully supported the text, which was a symbol of international co-operation. He stressed the importance of the fulfilment in good faith of the obligations assumed by States. It was to be hoped that the adoption of the draft Declaration by the General Assembly would encourage all nations to reaffirm their adherence to the principles set out in it. Finally, his delegation was in favour of the change of title of the Declaration as suggested in paragraph 89 of the Special Committee's report.

29. Sir Vincent EVANS (United Kingdom) said that he was gratified that the Special Committee had been able to submit to the twenty-fifth anniversary session of the United Nations a draft Declaration on all the seven principles concerning friendly relations and co-operation among States. He wished to pay tribute to all the delegations which had taken part in drawing up the draft, as well as to Mr. González Gálvez, the Chairman of the last session of the Special Committee and to Mr. Owada, the Chairman of the Drafting Committee.

30. His delegation supported the draft Declaration; it hoped that it would be approved unanimously by the Sixth Committee and, in due course, by the General Assembly. The document was the outcome of lengthy negotiations. Every word had been weighed in an endeavour to reconcile differing views and to achieve a text acceptable to all members of the Special Committee. Its importance had been enhanced by the fact that a consensus of all members of the Special Committee had been reached. Admittedly, the wording adopted was in many respects a compromise and some delegations might not be completely satisfied with it. There were passages in it which did not satisfy his Government. Nevertheless, it laid down markers and guidelines which might have a significant influence on the conduct of States and on the future development of international law.

31. By presenting the seven principles together, the draft Declaration brought out their equal validity and the fact that they were interrelated. The principle prohibiting the threat or use of force had as its counterpart the principle of peaceful settlement of disputes; the principle of non-intervention reflected the principle of the sovereign equality of States; the fulfilment in good faith of obligations created conditions in which co-operation between States could flourish; the faithful observance of all the preceding principles would promote the fullest realization of the principle of equal rights and self-determination of peoples.

32. During the work of the Special Committee, the United Kingdom representatives had put on record the views of their Government on a number of points of interpretation of the Declaration, both at the time of adoption of the texts of individual principles and on the occasion of the final meeting of the Special Committee. Those expressed on the latter occasion were summarized in paragraphs 223 to 237 of the Special Committee's report. His delegation attached particular importance to the views it had expressed on the principles relating to the prohibition of the threat or use of force, to non-intervention, and to equal rights and self-determination.

33. With regard to the principle of peaceful settlement of international disputes, his delegation felt that the text of the draft declaration did not go far enough. This whole subject deserved separate study. His delegation concurred with the views expressed in this regard by the Secretary-General in chapter X of the introduction to his last annual report on the work of the Organization (A/8001/Add.1 and Corr.1), where he stressed the need to activate the provisions of Article 33 of the Charter and drew attention to the role which the International Court of Justice could play in settling international disputes. It was gratifying that the Sixth Committee would take up that question during the current session and it was to be hoped that the United Nations would continue to seek practical ways of improving the means of peaceful settlement available to States within the framework of the Organization.

34. By adopting the draft Declaration, the General Assembly and every Member State would solemnly reaffirm the seven principles of the Charter embodied in it. It was to be hoped that following this solemn reaffirmation States would honour those vital principles of international law by observing them faithfully, in response to the appeal addressed to them in the last part of the draft Declaration.

35. Mr. SHITTA-BEY (Nigeria) thanked the Special Committee for its work and noted that the document which was the outcome of its discussion did not fully satisfy all delegations. For its part, the Nigerian delegation regretted that there had been no reference to the use of economic power, that the right of States to dispose of their natural resources had not been proclaimed, and that General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples had not been mentioned. However, it supported the text which had been submitted and hoped that it would open the way to a positive evolution in international law. To bring this about, each State should strive to observe the principles thus formulated.

36. His delegation had no objection concerning the suggestion in paragraph 89 of the Special Committee's report and it intended to sponsor the draft resolution to be submitted to the Committee on agenda item 85.

37. Mr. MIGLIUOLO (Italy), while reserving the right to give further explanations of the Italian Government's position to the General Assembly, stressed the importance his delegation attached to the draft Declaration, in the elaboration of which Italy had taken a very active part since 1964. His Government believed that the promotion of the rule of law in international relations was one of the main functions of the United Nations, and thus the draft Declaration submitted to the Sixth Committee could represent an important step towards the codification of principles indispensable for the observance of the rule of law by the international community.

38. The text before the Committee was obviously neither perfect nor fully satisfactory. Its shortcomings, especially in such delicate matters as the peaceful settlement of disputes and the maintenance of international peace and security, had already been pointed out by the representative of Italy in the Special Committee, at the end of its last session (see A/8018, paras. 125-143) as well as in the working paper submitted by his delegation on 27 April 1970 (*ibid.*, para. 125). His Government's position on those points had not changed. Similarly, it would confirm the observations and classifications made by its representative at the last session of the Special Committee with regard to the legal nature, the value and the interpretation of the Declaration, particularly with regard to its relationship to the Charter of the United Nations and other rules of international law.

39. Subject to those reservations and understandings, the Italian delegation would vote for the adoption of the draft Declaration.

40. Mr. BOFUNGA (Democratic Republic of the Congo) said that the draft Declaration was the expression of a consensus which constituted a step forward in the development of international law. Its adoption during the current commemorative session would mark a date in the history of that development. He welcomed the fact that the Declaration reaffirmed the right of self-determination of peoples, but regretted that General Assembly resolution 1514 (XV) had not been mentioned. It was regrettable that colonialism had not yet disappeared. As long as that evil persisted, universal peace would be a mere slogan. In accordance with the Charter of the Organization of African Unity, the Democratic Republic of the Congo would continue to support those who were struggling to eliminate it. The reaffirmation of principles was less important than the will to implement them. Since it felt that the adoption of the draft Declaration would be a step in that direction, his delegation would vote in favour of it.

41. The CHAIRMAN, replying to questions put to him during private conversations, stated that any delegation, irrespective of whether or not it was represented in the Special Committee, could sponsor the draft resolution calling upon the General Assembly to adopt the draft Declaration.

*The meeting rose at 5.45 p.m.*