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CONTENTS

Chairman: Mr. Edvard HAMBRO (Norway).

AGENDA ITEM 87

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/6799, A/C.6/383, A/C.6/L.627)

1. Mr. MAMIMOUE (Congo, Brazzaville) said that the first question to be considered, when studying principles of international law concerning friendly relations and co-operation among States, was what those principles meant and what place they occupied in the context of the contemporary world. The Sixth Committee provided an ideal forum in which all the nations of the world could meet to define the characteristic features of the present age, to decide on the paths they should take and to set the pattern of the international community. It was essential to appreciate the fact that mankind had reached a decisive turning-point in history, where a stupendous and terrifying increase in the world nuclear potential, on which those who practised the "balance of terror" and poised a threat of Armageddon over the world placed their reliance, was accompanied by an equally stupendous increase in the gap between the richer countries and the poorer countries, which might well provoke the latter to violence. It must be recognized that the present age was the age of the choice between total peace and total destruction. There must be a complete rejection of nuclear war, a complete rejection of the policy of the balance of terror, and a complete rejection of local wars by the richer countries against the poorer countries, which, being waged in the nuclear context, might result in nuclear war and the end of mankind.

2. The nations of the world must strive to transform the enormous potential for destruction which now existed into a potential for construction. World expenditure on armaments amounted to $130,000 million annually, without counting the high cost of the war in Viet-Nam, while aid to the under-developed countries amounted to only $10,000 million annually. In view of the tragic situation of the poorer countries, it was essential that the richer countries should adopt the peaceful course of helping them to industrialize; otherwise, they might feel the effect of their anger, which already was no longer an abstract possibility but a reality which would continue to grow. In addition, all countries, without exception, should be enabled to engage in co-operation which would mould all nations together into an organized whole. In order to accomplish all those tasks, it was necessary to have a lifeline in the form of effective arrangements, and that was the role of the principles of international law concerning friendly relations and co-operation among States.

3. After recalling the terms of reference given to the 1967 Special Committee in General Assembly resolution 2181 (XXI), he noted that the fundamental purposes of the United Nations—to maintain international peace and security, to develop friendly relations among nations, and to achieve international co-operation—were closely interrelated; consequently, respect for the principles concerning friendly relations and co-operation among States was of vital importance to the maintenance of international peace and security. If international security was to be ensured, it was essential, firstly, that war should be regarded in international law as a criminal offence, secondly, that there should be bodies authorized to supervise compliance with the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and, thirdly, that those bodies should be given the powers they needed to perform their functions. Such machinery had been initiated by the United Nations Charter. Article 2 (4) of the Charter, which prohibited the threat or use of force, was the end-product of a recent historical evolution which had its origin in the Covenant of the League of Nations, article 1 of which had prohibited wars of conquest.

4. In the view of his delegation, the work done by the Special Committee at its 1967 session not only was considerable, but was notable for its clarity and precision. The members of the Special Committee should be commended for their efforts. With respect to the principle prohibiting the threat or use of force, his delegation, which condemned wars of aggression

as crimes against peace, wished to affirm that all States should refrain from organizing, or encouraging the organization of, irregular or volunteer forces to invade the territory of another State, to participate in a civil war or in acts of terrorism in the territory of another State, or to set up a military occupation of another State. An urgent appeal should also be made to those States which possessed weapons of destruction to conclude an agreement on general and complete disarmament.

5. The principle in question was the corner-stone of the contemporary international legal order; its codification and progressive development would facilitate its observance and application, which was of particular importance for small countries, developing countries, and countries which had recently gained their independence. One could not fail to note that some powerful States were continuing to violate the principle prohibiting the threat or use of force by engaging in flagrant acts of aggression—as, for instance, the United States in Viet-Nam and Israel in the Middle East, which could not be allowed to remain in occupation of the territories they had conquered by aggression. Indeed, as a general rule, all territorial acquisition or other gains obtained by the threat or use of force could not have any legal effects, since international law could not sanction the consequences of unlawful acts which were incompatible with the Charter.

6. His delegation wished to emphasize that the prohibition of the use of force could not affect the right of peoples to defend themselves against colonial domination, in the exercise of their right of self-determination. The right of self-defence of colonized peoples must necessarily be an exception to the rule, since colonialism was actually aggression. The people of Rhodesia, for instance, could certainly not be deprived of the right to react with force against Mr. Smith's régime.

7. With respect to the duty of States to co-operate with one another in accordance with the Charter, his delegation considered that all States, irrespective of their political, economic and social systems, should co-operate, on the basis of sovereign equality, in all areas of international relations. Such co-operation was a prerequisite for peaceful co-existence among States which had adopted different political and social systems; it was the catalyst without which the principles under consideration would be totally ineffective. In the economic and social field, the purpose of co-operation should be to create, especially in developing countries, the conditions of stability, well-being and economic growth which were vital to the maintenance of peace, since the existence of precarious economies had an extremely harmful effect on world stability.

8. Unfortunately, experience showed that the richer countries, despite the obligations imposed on them by the Charter, were reluctant to make the efforts which were asked of them. Another purpose of international co-operation should be universal respect for, and observance of, human rights and the elimination of all forms of discrimination, in accordance with Article 55 of the Charter. Yet human rights were constantly being flouted, often by the very parties who proclaimed themselves their defenders.

9. Where the principle of equal rights and self-determination of peoples was concerned, the position of his country, which had put an end to colonial domination once for all in August 1963, was perfectly clear. To say that all peoples had the right of self-determination was to say that they all had the right freely to choose their political, economic and social systems and to dispose of their national wealth and natural resources. Colonialism and racial discrimination in all their forms must be eliminated, immediately and totally. The principle of self-determination was not simply a moral postulate; it continued to be of great practical importance to peoples still under the colonial yoke, such as the peoples of Mozambique, Angola, South Africa, South West Africa and Zimbabwe, and recognition of that principle by all States was an additional requisite for the maintenance of international peace and security. Apart from acts of colonialist aggression, the aggression which was being practised in Viet-Nam was a striking example of the violation of the principle of equal rights and self-determination of peoples and of article 1 of the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)).

10. The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter appeared perfectly reasonable to his delegation. It was a principle of great importance, since it involved the rule pacta sunt servanda, which was the basis of contemporary international law, and observance of it was the prerequisite for the observance of all the other principles under consideration. Confidence must prevail between States had adopted different political, economic and social systems. His delegation wished, in particular, to emphasize that there was no place in the contemporary world for unequal treaties concluded under the influence of coercion. He referred in that connexion to the draft articles of the law of treaties prepared by the International Law Commission,[1] and stated that treaties concluded by a colonial Power on behalf of any territory should cease to apply when the territory in question succeeded in casting off the colonial yoke and became an independent State. He conceded that there were some unequal treaties which were justified—for instance, a treaty under which one country granted access to the sea to another country that was land-locked, without any quid pro quo—but it was entirely in order that treaties which conflicted with a peremptory norm of international law or with obligations deriving from the Charter should be declared void.

11. With respect to the principle concerning the duty not to interfere in matters within the domestic jurisdiction of any State in accordance with the Charter, he again referred to the inalienable right of every State to choose its political, economic and social system; consequently, no other State could intervene for the purpose of interfering with that choice. An activity deserving particular condemnation was the

[1] See Official Records of the General Assembly, Twenty-first Session Supplement No. 9, part II, chap. II.

organization by any State of subversive activities aimed at changing the system of another State by violence; a typical example was that of the Democratic Republic of the Congo, which was suffering from the activities of mercenaries whose undisguised objective was to imperil the independence of the Congo. Such activities were also a violation of the principle of equal rights and self-determination of peoples. Lastly, his delegation believed that all States should respect the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

12. Mr. VAN LARE (Ghana) said that as Ghana was a member of the Special Committee he would deal only with procedural questions; his delegation deemed it unnecessary to touch on the four principles already formulated by the Special Committee and reserved the right to speak on the three remaining principles in that Committee.

13. After entertaining some doubts about the advisability of convening the Special Committee in 1968 in view of the congested calendar of conferences for that year, his delegation had been won over to the opposite view, which appeared to be the consensus of opinion in the Sixth Committee. If the Special Committee was to be reconvened, it was imperative to facilitate its work. In the first place, the Special Committee should leave entirely aside the four principles already formulated. Any attempt at the present stage to extend or restrict the scope of the principles already formulated would present serious dangers and such an attempt should only be made when the Sixth Committee came to consider the entire draft Declaration which would be recommended to the General Assembly.

14. It was essential that the Sixth Committee should direct the Special Committee very precisely as to the principles it must tackle and their order of precedence. His delegation would have liked the principle of equal rights and self-determination of peoples to be given priority, but it would not suggest that in view of the majority opinion that the principle prohibiting the threat or use of force should have priority; it would, however, find it difficult to support any proposal that would relegate the principle of non-intervention in matters within the domestic jurisdiction of any State to a secondary role. The Committee must expressly mention that principle in any resolution to be submitted to the General Assembly.

15. The consensus method adopted by the Special Committee was imposing excessive rigidity on its work. It was, of course, vital that the broadest possible consensus should be achieved in the codification and formulation of international legal norms, but the progressive development of law made a dynamic view essential. It seemed to his delegation that the rule should be to reach a consensus where feasible but to take majority decisions in case of necessity. The Special Committee should accordingly continue to adopt its formulations by consensus, but the Sixth Committee, for its part, should take its decisions by majority vote. Furthermore, where the Special Committee failed to achieve a consensus on a particular text because of a slight difference of opinion, its Rapporteur should be empowered to note and examine the differences and to recommend an objective formulation in his report. The Sixth Committee would then decide the question by a majority vote if a consensus proved to be unobtainable.

16. In conclusion, his delegation would support any draft resolution inviting the Special Committee to meet in 1968 and requesting it in clear terms to consider with a view to completing their formulation the principles prohibiting the threat or use of force, equal rights and self-determination of peoples and non-intervention in matters within the domestic jurisdiction of any State, in that order.

17. Mr. MARIKKAR (Ceylon) said that the question of friendly relations and co-operation among States should be placed in its historical perspective. In its resolution 1815 (XVII), the General Assembly had decided to study seven of the principles concerned. In its resolution 1966 (XVIII), establishing the Special Committee, it had instructed that body to draw up a report for the purpose of the progressive development and codification of four of those principles so as to secure their more effective application. Those two resolutions seemed to express two contradictory ideas: in the first, the General Assembly clearly indicated that those principles were embodied in the Charter of the United Nations and, in the second, it asked that the principles should be developed and codified with a view to their more effective application, thus appearing to be dissatisfied with the manner in which they were expressed in the Charter and to wish to define their scope more clearly. Subsequently, the General Assembly had decided, by resolution 2103 A (XX), to reconstitute the Special Committee so that the Assembly might adopt a declaration formulating those principles; the implication was again that the formulation in the Charter was less than satisfactory and that their clarification and reaffirmation by means of a declaration was called for. To cite only one example, although the duty of States to co-operate with one another was quite clearly enunciated in various provisions of the Charter, particularly Article 1 (3), Article 2 (5), and Articles 25, 48, 49, 55 and 56, it had been thought desirable to reaffirm that duty and to state its content.

18. The text which had been formulated on the principle concerning the duty of States to co-operate with one another (see A/6799, para. 161) was open to a number of serious objections which went beyond questions of form and drafting, since it appeared to contradict certain provisions of the Charter. Thus, paragraph 1 reaffirmed the duty of all States to co-operate in order to maintain international peace and security and to promote international economic stability and progress, whereas paragraph 3 provided merely that States should co-operate in the economic, social, cultural and other fields. A legal obligation was imposed in the first case but not in the second, and the result was to weaken the Charter's provisions. It should also be noted that paragraph 2 (a) of the formulation of the principle merely repeated that was already stated in paragraph 1—a repetition which seemed to add nothing to the substance of the principle.

19. Without wishing to criticize the work of the Special Committee, his delegation wanted to utter a word of caution and to urge that agreement should be reached on an interpretation of the Special Committee's mandate before that Committee resumed its work. Its own view was that the Special Committee should consider in 1968 the principles prohibiting the threat or use of force, equal rights and self-determination of peoples and non-intervention in matters within the domestic jurisdiction of any State, without seeking to widen the area of agreement already expressed on the other principles.

20. With regard to the Special Committee's methods of work, his delegation had no objection to the Special Committee's continuing to make use of working groups, if it was understood that the work of such groups would be subject to review by the Special Committee as a whole. It had serious doubts, however, regarding the continued use of the unanimity principle. It seemed to his delegation that up to now the Special Committee had tended to sacrifice progress and even clarity of expression for the sake of securing a consensus. His delegation believed that the principle of unanimity should be abandoned in favour of the qualified majority principle.

21. Mr. GONZALEZ GALVEZ (Mexico) said that his delegation continued to support the interpretation of the Special Committee's mandate which the United Kingdom representative had given at the twenty-first session of the General Assembly (930th meeting). Its task was to examine the seven principles more closely and to clarify and formulate their essential legal content, in view of the fact that the conflicts and dissensions which for twenty years had endangered the international order stemmed precisely from differences of opinion as to the interpretation and application of some of those principles. His delegation congratulated the Chairman and Rapporteur of the Special Committee and the Chairman of the Drafting Committee on their contribution to the work of the third session of the Special Committee.

22. Regarding the principle prohibiting the threat or use of force, it was undeniable that the 1967 Special Committee had made the maximum amount of progress possible having regard to its methods of work. The report of the working group on that principle (see A/6799, para. 107) showed that several delegations had decided at the last moment to keep the enunciation of certain corollaries of the principle out of the discussions. In his delegation's view, such difficulties must be avoided at all costs at the Special Committee's next session, perhaps by the establishment of a filtering system which would allow only elements that lent themselves to negotiation to reach the Special Committee itself. His delegation was grateful to the representative of Italy for the ideas he had put forward regarding the Special Committee's methods of work (ibid., paras. 481-483).

23. Recalling the terms in which the Mexican delegation had introduced in the Special Committee, at its third session, the joint proposal by Argentina, Chile, Guatemala, Mexico and Venezuela regarding the prohibition of the use of force (ibid., para. 27), he pointed out that in addition to imposing a limitation on the activities of States, the principle conferred on the competent organs of the United Nations a virtual monopoly of the evaluation of facts and of the decisions concerning them, as well as the necessary power of enforcement, and that it was to the extent that the Organization was ineffective, i.e. to the extent that centralization was incomplete, that a modicum of that power reverted to States within the framework of the exercise of the right of individual or collective self defence. That joint proposal amplified, by ideas which had been discussed at length, the United Kingdom proposal (ibid., para. 24) and the latter repeated almost verbatim paper No. 1[2/] which had been submitted to the 1964 session of the Special Committee. He also drew attention to the statement which Mr. García Robles, the Chairman of the Mexican delegation, had made at the General Assembly (1587th plenary meeting paras. 60-65) on the subject of the Latin American draft to which Mr. García Robles had referred and which he then read out to the Assembly.

24. With regard to the principle of non-intervention in matters within the domestic jurisdiction of any State, whose violation constituted the most frequent cause of international conflicts, he said that the Latin American countries had formulated that principle very strictly because the memory of countless interventions of all kinds, whether armed or not, had compelled them to strengthen it in their own defence.

25. For the Mexican people, the principle, far from being a formal clause, was a major protection against foreign enterprises. Nevertheless, the principle was not one adapted to regional conditions, as it had a general and universal character. The expansive force of certain instruments, such as the Briand-Kellogg Pact,[3/] ought to operate in favour of the most complete and strict formulation of the principle in question, if a substantial number of States subscribed to it and if its provisions coincided with the interests of the majority of members of the international community. That, precisely, was the case with the formulation contained in General Assembly resolution 2131 (XX), which clearly expressed a conviction about the content of an essentially legal principle and which, having been adopted unanimously, represented a general practice accepted by States and of universal validity. To those who criticized that Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty for containing vague ideas which lent themselves to varying interpretations, he would point out that a number of current legal concepts were expressed equally vaguely, such as the "due process of law" of Anglo-Saxon law, the "ordre public" of French international law and the "due diligence" of the rules relating to neutrality in the Treaty of Washington.[4/]

[2/] See Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, para. 106.

[3/] General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928 (League of Nations, Treaty Series, vol. XCIV, 1929, No. 2137).

[4/] Treaty of May 8, 1871 between Great Britain and the United States of America (Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers (Washington, Government Printing Office, 1910) vol. I, p. 703).

26. His delegation felt that the Declaration contained in General Assembly resolution 2131 (XX) represented the best statement of the principle of non-intervention that could be obtained at the present time, particularly in view of the complete failure of the efforts made at the first session of the Special Committee at Mexico City in 1964 to formulate the principle. Nevertheless, his delegation respected the position of those delegations which did not share its views, and it would be prepared to enter into negotiations—not on the content of the resolution, which it did not regard as subject to change, but on a wording which would not do violence of its fundamental position and would permit it to continue along the course it had chosen in the event that no agreement was reached.

27. With regard to the principle of the peaceful settlement of disputes, concerning which a statement had been approved (see A/6799, para. 369), he felt that the considerations which had led to the exclusion from the statement of such important elements as judicial settlement demonstrated the need for codification of the principles submitted to the Special Committee. First of all, the creation of international law was no longer a task merely for those nations which were repositories of the cultural and legal tradition of the West but for the world community, whose face had been completely changed by the emergence of a great many new States. Secondly, new problems relating to international law had arisen with the appearance of more diversified political, economic and social systems in an international society which was no longer the relatively homogeneous community of times gone by. Finally, if the notion of the indivisibility of prosperity was to have any real meaning, measures to enable the under-privileged regions to take part in development must not be regarded simply as an act of generosity deriving from a moral obligation but rather as a co-operative undertaking taking place within an institutional and legal framework. That was a relatively new but universally held conviction which must be reflected in international law.

28. There was a widespread tendency to forget the creative role of the jurist and the important function which he had performed in history. Yet, when fundamental concepts were undergoing revision as was now the case, the jurist could and must be a pioneer. It was his task to anticipate, comprehend and analyse new social and political forces and trends and to place them in a legal context. For example, with regard to the political forces which were carrying the colonial peoples irresistibly towards independence and which were in conflict with an established body of law which the colonial system was attempting to maintain, the specialist in international law must understand the process of development now under way and assist in its completion by finding legal solutions which would direct political action into peaceful channels and by building a bridge between the past and the future. Violence might be the penalty for failure. Hence, the jurist could not confine his efforts to consolidating the achievements of the past.

29. A factor which made it all the more essential to modify the existing world situation was the need to find an answer to the questions raised by the application to numerous newly independent States of rules which they had played no part in establishing and which often failed to take their interests sufficiently into account. From a formal legal standpoint, the answer was simply that when a State joined the international community it thereby accepted the latter's rules and institutions. From a practical standpoint, however, the problem was much more serious, for if a large part of the international community did not give its approval and its active support to many of the provisions of international law, the entire machinery for the peaceful settlement of disputes was left without any underpinnings.

30. That fact was particularly apparent in the broad sphere of State responsibility, which was governed at present by rules deriving from the unequal relationship existing between the investing countries and the under-developed countries. The nature of that relationship was reflected, for example, in the rule which permitted foreigners to claim rights greater than those enjoyed by the nationals of the country concerned—a rule which many European writers regarded as still in force. That state of affairs sometimes led to a revolt by a country which played the role of a passive object of international law. A revolt of that kind could assume a direct form, e.g. the use of violence to liquidate a situation—such as a protectorate—which was sanctioned by international law, or it could take some other form.

31. Thus, many of the new States were opposed to the rule of compulsory arbitration and to the compulsory jurisdiction of the International Court of Justice. He would mention, in that connexion, the guarded manner in which the General Assembly had received the International Law Commission's draft on arbitral procedure,[5] which had included a set of measures designed to prevent parties from evading the obligation they had assumed to settle their disputes by arbitration. Coming as it did from small countries which normally sought legal guarantees, that attitude might seem paradoxical, but it resulted from the fact that the countries in question were unwilling to submit voluntarily to conditions which had not been established in terms of their needs and interests but, on the contrary, derived from the practice of countries which were likely to be their adversaries. The same explanation could be given for the fact that only some twenty States among those which had played no part in the creation of international law had accepted the compulsory jurisdiction of the International Court of Justice.

32. The problem could not be solved by accusing the new States of a lack of interest in law. He recalled in that connexion that in the dispute between the United Kingdom and Iceland concerning fishing rights, Iceland had not agreed to submit the case to the International Court of Justice for a ruling on the basis of existing law but had boldly campaigned, in the United Nations and elsewhere, for the establishment of a new legal principle having general application. If the Court had heard the case, a majority of its judges would probably have ruled against Iceland on the grounds that existing international law did not require

[5] See Official Records of the General Assembly Thirteenth Session, Supplement No. 9 (A/3859 and Corr.1), para. 22.

third States to recognize fishing boundaries unilaterally established more than three miles from shore. In that particular case, a small country's revolt against a powerful State had taken the form of a refusal to recognize the jurisdiction of the Court, followed by action, in common with other States which were in the same circumstances, aimed at bringing about changes in the existing rule at international conferences.

33. Another example involved Guatemala, which, in its long-standing dispute with the United Kingdom concerning the Territory of Belize, had replied to the request for submission of the dispute to the International Court by proposing that, if the Court heard the case, it should decide it not on the basis of international law but ex aequo at bono.

34. If the problem was to be solved, the new States would obviously have to be given a larger role in the creation of international law. As new international principles were established which were both the legal expression of existing practice and equitable rules which met the aspirations of the new States, the latter would be more inclined to submit freely to their application. In any case, it was of the utmost importance that there should be new rules to provide solutions to the new problems.

35. He recalled the reservations which his delegation had expressed concerning the method employed in formulating the principles (ibid., paras. 469-472). He thought it essential that, at the next session of the Special Committee, all feasible compromise formulas should be negotiated outside the meeting rooms or by informal groups including representatives of countries with different points of view.

36. Moreover, while it was true that all the principles under consideration might not be suitable subjects for treaties, here was no question that some of them were. That possibility could be given consideration after the Assembly approved the formulation of the seven principles.

37. His delegation still felt that it was desirable to arrive at a consensus on the statements of principle, particularly in view of the importance, from a legal standpoint, of achieving unanimity. However, such a consensus should serve to encourage negotiation and compromise and should not constitute immutable dogma. In his opinion, a formulation that met the wishes of those countries which, like Mexico, attached fundamental importance to the rule of law in international relations would be preferable, even if it failed to receive the support of certain countries which hesitated to take the final step, to an inadequate definition that was unanimously approved.

AGENDA ITEM 88

Question of methods of fact-finding (continued)* (A/6686 and Corr.1 and Add.1-3, A/C.6/382)

38. The CHAIRMAN said that he had obtained agreement from all the geographical groups with regard to the membership of the working group which the Committee had decided to establish under its resolution A/C.6/382. However, the agreement was subject to the condition that the working group should have sixteen members instead of the fifteen provided for in the resolution. He would like to know whether the Committee wished to reverse its decision and increase the working group's membership to sixteen.

39. Mr. MWENDWA (Kenya) made a formal proposal to amend resolution A/C.6/382 in the manner indicated by the Chairman.

It was so decided.

40. The CHAIRMAN suggested that the working group on the question of methods of fact-finding should be composed of the following sixteen countries: Ceylon, Czechoslovakia, Ecuador, Finland, France, Jamaica, Japan, Lebanon, Liberia, the Netherlands, Somalia, Togo, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It was so decided.

41. Mr. DARWIN (United Kingdom) expressed regret that in order to reach agreement it had been necessary to reverse a unanimously adopted decision but that it appeared that the majority necessary for reconsideration indeed supported the new figure. The group of western countries had been reluctant to agree to a membership of sixteen for the working group and to the proposed distribution of places in the group but had nevertheless done so in a spirit of compromise and in order to save time, in the existing circumstances.

42. Mr. GONZALEZ GALVEZ (Mexico), speaking as Chairman of the Latin American group, said that while his group had not opposed the proposed increase, it felt that the Latin American countries were under-represented inasmuch as they had been assigned only two places in the working group instead of the three to which they felt they were entitled. He wished to make it clear that the fact that the Mexican representative was rapporteur of the working group did not in any sense mean that the Latin American group was represented by three countries.

43. Mr. CHAMMAS (Lebanon) congratulated the Chairman on the efforts he had made to reach agreement on the membership of the working group.

Organization of the work of the Committee

44. The CHAIRMAN recalled that the Committee had decided to consider the report of the working group on methods of fact-finding immediately after the question of consideration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations (agenda item 87). Since it had taken longer than anticipated to set up the working group, it would probably be impossible to follow that procedure. After considering the question of friendly relations and co-operation among States, the Committee should perhaps turn to the item on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (agenda item 90). There would then remain two items to take up, namely the question of

*Resumed from the 992nd meeting.

diplomatic privileges and immunities (agenda item 98), and the question of the need to expedite the drafting of a definition of aggression in the light of the present international situation (agenda item 95). Since the General Committee of the Assembly had decided that the latter item would not be taken up by the Committee until after its consideration in plenary, it might be necessary to take up the question of diplomatic privileges and immunities first if the item on aggression was still under consideration in plenary. He therefore suggested that the Committee should turn to the question of the United Nations Programme of Assistance immediately after the item now under discussion and should then decide, depending on the point reached in the deliberations of the working group on methods of fact-finding, on the order in which it would consider the other items on its agenda.

45. Mr. ALCIVAR (Ecuador), supported by Mr. PECHOTA (Czechoslovakia), said that, because of the major differences of opinion regarding the question now under consideration, negotiations on any draft resolutions that were submitted would be extremely difficult. Moreover, since many delegations still wished to state their views on the question, the number of meetings set aside for it should be increased so that a matter as important as the one under discussion could receive all the attention it deserved.

The meeting rose at 5.45 p.m.

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