

HUNDRED AND EIGHTY-SECOND MEETING

Held at Lake Success, New York, on Wednesday, 2 November 1949, at 11 a.m.

Chairman: Mr. LACHS (Poland).

Report of the International Law Commission (A/925) (continued)

PART II: DRAFT DECLARATION ON RIGHTS AND DUTIES OF STATES (continued)

Proposals and amendments regarding the disposal of the draft declaration (A/C.6/L.50, A/C.6/L.54, A/C.6/L.55, A/C.6/L.56, A/C.6/L.58, A/C.6/L.60, A/C.6/L.65) (concluded)

1. The CHAIRMAN invited members of the Committee to consider the eighth paragraph of the joint draft resolution (A/C.6/L.50) of Argentina, the Netherlands and the United States), to which two amendments had been submitted. The amendment submitted by the delegation of Cuba (A/C.6/L.55) called for the deletion of the eighth paragraph. The amendment submitted jointly by the delegations of Chile and Colombia called for replacing the eighth paragraph by the following text (A/C.6/L.56):

"Directs the International Law Commission to prepare for submission to a forthcoming session of the General Assembly of the United Nations a new draft declaration on rights and duties of States on the basis of the present draft declaration, taking into consideration the comments received in accordance with the preceding paragraph."

The delegations of Uruguay and Venezuela had withdrawn their amendment, which called for adding to the eighth paragraph of the joint proposal the following words (A/C.6/L.60): "and to report to the General Assembly at its next session on the steps taken to execute this resolution and the answers received from Governments".

2. As the delegations of Chile and Colombia had just submitted a new amendment to the eighth paragraph (A/C.6/L.65), he asked them which of their two amendments they wished to retain.

3. Mr. SOTO (Chile) said that, as a result of the rejection of the Chilean-Colombian amendment (A/C.6/L.56)¹ to the seventh paragraph of the joint draft resolution at the 181st meeting, the two delegations had decided to withdraw their first amendment to the eighth paragraph (A/C.6/L.56), which no longer served any purpose. They had replaced it by a new amendment (A/C.6/L.65) to add to the end of the paragraph, the words: "at its next session".

4. Mr. GARCÍA AMADOR (Cuba) said that his delegation withdrew its amendment to delete the eighth paragraph of the joint draft resolution (A/C.6/L.50), for the reasons he had given at the 181st meeting in connexion with the delegation's withdrawal of its amendment to the seventh paragraph.²

5. Mr. FERRER VIEYRA (Argentina) stated that the purpose of the authors in drafting the eighth paragraph of the joint draft resolution had been to ask the Secretary-General to prepare docu-

mentation for such use as the Assembly might find desirable. The authors of the draft had not wanted the question of the formulation of rights and duties of States to be placed automatically on the agenda of the General Assembly's next session; they had wished to leave Member States free to request the inclusion of the matter in the agenda if they considered that it had reached the proper stage for discussion.

6. The amendment (A/C.6/L.65) proposed by the delegations of Chile and Colombia to the eighth paragraph of the joint draft resolution modified the scope of the paragraph considerably. Without opposing the amendment, the Argentine delegation reserved its position with respect to it.

7. Mr. ORIBE (Uruguay) recalled that his delegation, jointly with that of Venezuela, had submitted an amendment (A/C.6/L.60) to request the Secretary-General to report to the General Assembly on action taken during 1950 on the question of the formulation of rights and duties of States. A more careful reading of the joint draft resolution, however, had convinced his delegation that such an amendment was unnecessary. Indeed, under the terms of the seventh paragraph of the draft resolution as adopted, the Secretary-General would have to communicate the International Law Commission's draft declaration (A/925, paragraph 46), and the documentation on it, to Governments, who would have to submit their comments and suggestions by 1 July 1950 at the latest. It therefore appeared that the Secretary-General was to inform the General Assembly of the result of measures taken in execution of that paragraph in his annual report on the work of the Organization for the year 1 July 1949 to 30 June 1950. Mr. Oribe would like to know, however, whether the Secretariat considered the text of the draft resolution sufficiently clear on that point, or whether it would prefer the text to be amended as the Uruguayan delegation had suggested.

8. Moreover, under rule 12 (g) of the rules of procedure, the Secretary-General could include in the provisional agenda of regular sessions of the General Assembly any item he deemed it necessary to put before the Assembly.

9. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) replied to the representative of Uruguay that, inasmuch as the seventh paragraph of the joint draft resolution (A/C.6/L.50), together with the amendment submitted by the Lebanese delegation,³ had been adopted, the Secretary-General would not fail to mention in his annual report his actions in that field and the documents received from Member Governments.

10. He added that rule 12 of the rules of procedure did indeed give the Secretary-General the right to include an item in the provisional agenda of a regular session of the General Assembly, but he considered that the terms of the draft resolution would not allow the Secretary-General

¹ See the Summary Records of the 180th meeting, paragraph 1, and of the 181st meeting, paragraph 86.

² See the Summary Record of the 181st meeting, paragraphs 62 to 64.

³ See the Summary Record of the 181st meeting, paragraph 20.

to exercise that right in connexion with the question of the formulation of rights and duties of States.

11. Mr. ORIBE (Uruguay) declared himself satisfied with the Assistant Secretary-General's explanations. He would vote for the amendment (A/C.6/L.65) of Chile and Colombia, which repeated the essence of the idea on which his delegation's amendment had been based.

12. Mr. MAKTOŠ (United States of America) pointed out that it was not inadvertently, but after careful thought, that the authors of the joint draft resolution had not fixed the date for the General Assembly to examine again the question of formulation of rights and duties of States. As the United States representative had already had occasion to indicate,¹ the intention of the authors of the draft resolution had been to leave it to any Member State to ask for the inclusion of the question in the agenda of an Assembly session if that State considered that the time had come to do so.

13. The Chilean-Colombian amendment completely altered the scope of the joint draft resolution; to adopt it would be equivalent to placing the question on the agenda of the General Assembly's next session now, which was exactly what the authors of the draft resolution had tried to avoid.

14. Mr. FITZMAURICE (United Kingdom) fully agreed with the remarks of the United States representative.

15. The draft resolution (A/C.6/L.50) was a compromise between the various solutions proposed. Adoption of the Chilean-Colombian amendment (A/C.6/L.65) would destroy the spirit of that compromise and would be an obstacle to approval of the joint draft resolution by the supporters of the original United States proposal (A/C.6/L.330).

16. In his opinion, it was not advisable to refer the question of the formulation of rights and duties of States to the next session of the General Assembly. In fact, that question had proved extremely difficult to solve, on account of the wide divergencies of views between the Governments on nearly all of the articles of the International Law Commission's draft declaration. It was true that, as a result of the adoption of the Lebanese amendment, Governments would be asked to submit their remarks and proposals on the draft declaration and the relevant documents before 1 July 1950. But it was to be expected that very few Governments would be able to do so in such a short time; and it was therefore permissible to assume that the General Assembly would be no better prepared at its next session than it was now to work out a declaration on which general agreement could be reached. It would be much better not to set a time-limit, and to let the question reach sufficient maturity.

17. Mr. GARCÍA AMADOR (Cuba) recalled that his delegation had voted in favour of the Lebanese amendment to the seventh paragraph of the joint draft resolution which the Committee had adopted at its 181st meeting. His delegation would also support the proposal of Chile and Colombia

which, in its opinion, happily complemented the Lebanese amendment.

18. He wished to call the attention of the United States and United Kingdom representatives to the fact that the Chilean-Colombian amendment did not require the General Assembly to formulate rights and duties of States at its next session; that amendment merely prevented the question from being postponed *sine die*. The eighth paragraph of the joint draft resolution clearly stated that the General Assembly would make such use of the documentation published by the Secretary-General as it saw fit. Even if the Chilean-Colombian amendment was adopted, the General Assembly would still have full liberty to take the necessary decisions on the subject of the draft declaration on rights and duties of States.

19. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that it was only after 1 July 1950, the time-limit set in the seventh paragraph of the draft resolution for the submission of the comments and proposals of Governments, that the Secretariat could prepare the documents it had received for publication. Even with the maximum diligence, such publication could only be completed just before the opening of the next session of the General Assembly.

20. Mr. ROLING (Netherlands) observed that the joint draft resolution had two objectives. One was negative in that it wanted to prevent public opinion from concluding that the draft declaration already contained, at the present stage, existing rights and duties of States. The other objective was positive and aimed at continuing the study of rights and duties of States in order that, at some future time, a declaration might be proclaimed. Mr. Roling wanted to speak only about the latter aspect of the joint draft resolution. It was obvious that Governments must be consulted in order to achieve the second objective. In setting the time-limit recommended by the delegation of Lebanon, the Sixth Committee had thwarted that objective, since it did not give Governments sufficient time to properly prepare their comments. In fact, such work required preliminary consultation of many experts, who must thoroughly study the existing documents; and, as the representative of the United Kingdom had pointed out, very few Governments would be able to submit concrete proposals in such a short time. At its next session, the Assembly would therefore be obliged again to request Governments to submit their comments and proposals, without, however, setting a time-limit for them.

21. The delegation of the Netherlands had voted against the Lebanese amendment to the seventh paragraph of the joint draft resolution because that amendment frustrated the second objective of the joint draft resolution. It would not, however, vote against the Chilean-Colombian amendment (A/C.6/L.65), in view of the fact that, by seizing the next session of the General Assembly of the question of the formulation of rights and duties of States, the amendment would give the Assembly an opportunity to reverse the unfortunate decision to set too short a period for the Governments to submit their comments.

22. Mr. MAYRAND (Canada) recalled that his delegation had always supported measures proposed for the purpose of hastening the adoption of a declaration on rights and duties of States.

¹ See the Summary Record of the 177th meeting, paragraphs 10 and 11.

It could not, however, vote for the Chilean-Colombian amendment because, from a purely practical point of view, it seemed difficult to see how the General Assembly could usefully resume consideration of the question at its next session. In fact, the Assistant Secretary-General had pointed out that the comments of the Governments could not be published for some weeks after 1 July 1950, so that there would not be time enough to study them properly before the opening of the next session of the General Assembly.

23. Mr. CHAUMONT (France) perfectly understood the concern of the delegations of the United States, the United Kingdom, the Netherlands and Canada.

24. In his opinion, adoption of the Chilean-Colombian amendment, following upon the adoption of the Lebanese amendment, would entirely destroy the balance of the joint draft resolution and would emphasize the profound contradiction which existed between the first part of the draft, which recognized the value of the International Law Commission's work, and the second part, which seemed to say that the work had to be begun again at the next session of the General Assembly, after the observations of Governments had been received.

25. Mr. Chaumont wished to clear up any misunderstanding which might arise in the minds of members of the Committee. The delegation of France was in no way opposed to the adoption of a declaration on rights and duties of States. It had already had the opportunity to state¹ that, whatever form the declaration took, the principles it set forth would bring valuable assistance in international relations. The only adverse criticism which the French delegation could make of the draft declaration prepared by the International Law Commission was that in some respects it was rather timid. Thus, the principles set forth in articles 3, 6 and 14 of the draft declaration could usefully have been developed further; they were principles which France did not hesitate to recognize. Mr. Chaumont took that opportunity to thank the International Law Commission for having included them in the draft declaration which it had prepared.

26. The French delegation's attitude was not dictated by a feeling of reserve or of fear about the draft declaration but arose from a logical desire to ensure the balance of the various provisions of the joint draft resolution, and from practical considerations. In fact, the French delegation wondered whether it was not showing too much optimism to presume that the political atmosphere would be favourable to the adoption of a declaration on rights and duties of States at the next session of the General Assembly. The delegation also wondered whether there was any real advantage in issuing a declaration which was not unanimously adopted and to which certain Powers would refuse to adhere.

27. As the representative of Canada had emphasized, it would be very difficult for Member States, in the short period at their disposal before the next session of the General Assembly, to study the question thoroughly enough for the Assembly to be able to work efficiently on the preparation of a declaration on rights and duties of States. Mr. Chaumont thought that if the

matter were taken up again at the next session, the discussions would deal only with procedural questions such as those which had been debated in the Sixth Committee. He therefore wondered whether it would not be advisable to keep to the careful wording of the joint draft resolution (A/C.6/L.50), which left Member States entirely free to refer the question to the General Assembly as soon as they considered that the problem was ripe for solution. As far as the French delegation was concerned, it would not take a definite position on the Chilean-Colombian amendment and would abstain from voting on it.

28. Mr. MATTAR (Lebanon) endorsed the statement of the representative of Cuba. He would vote for the Chilean-Colombian amendment, first, because it was advisable for the General Assembly to consider the question of the draft declaration on rights and duties of States again in 1950, even if it did so only in order to note that the comments received were insufficient in number or incomplete and to defer the question to a later session; and, secondly, because the amendment was a logical consequence of the Lebanese amendment to the seventh paragraph, which the Committee had already adopted.

29. Mr. GÓMEZ ROBLEDO (Mexico) would be inclined to support the Chilean-Colombian amendment, as he would any proposal designed to hasten the final adoption of a declaration on rights and duties of States. As the discussion had shown that the amendment might endanger the joint draft resolution as a whole, however, he asked the delegations of Chile and Colombia whether, in a spirit of conciliation, they would not agree to withdraw it. If they felt they could not follow that suggestion, the Mexican delegation would abstain from voting.

30. Mr. BARTOS (Yugoslavia) unreservedly supported the Chilean-Colombian amendment, which was merely a logical complement to some of the amendments to the joint draft resolution which the Committee had already adopted.

31. Indeed, the text proposed for the third paragraph (A/C.6/L.61)² by the delegations of Chile, Colombia and Cuba indicated that the General Assembly had some difficulty in formulating basic rights and duties of States at the present time; but that text did not prejudice the question whether the difficulty would still exist by the next session. By approving that text, the Committee had therefore reserved the right of delegations to decide in 1950 whether the question would then be sufficiently ripe for a decision to be taken on it.

32. Furthermore, by adopting the Lebanese amendment to the seventh paragraph of the joint draft resolution, the Committee had shown its desire to see the preparatory work completed early enough for the General Assembly to be able to follow it up as quickly as possible.

33. Finally, the only purpose of the Australian amendment (A/C.6/L.64),³ adopted as an additional paragraph, had been to provide the General Assembly with all the material necessary to take a final decision on a question which had been on the Assembly agenda since January 1946, and which was still pending.

² See the Summary Record of the 178th meeting, paragraph 56.

³ See the Summary Record of the 181st meeting, paragraph 45.

¹ See the Summary Record of the 172nd meeting, paragraph 2.

34. Some delegations had emphasized that it was not desirable to decide immediately that the General Assembly would be in a position to take a final decision on the draft declaration at its following session. The Chilean-Colombian amendment did not prejudge that question in any way since the words "for such use as the General Assembly may find desirable" (A/C.6/L.50) would be retained in the eighth paragraph. Consequently, that paragraph could not be interpreted as requiring the General Assembly to proceed to the definitive revision of the draft declaration in 1950 but simply left the General Assembly free to do so if it decided that circumstances were favourable.
35. The French delegation had maintained that it would be illogical to adopt the Chilean-Colombian amendment in view of the fact that the draft declaration was commended to the continuing consideration of Member States and the jurists of the world as a result of the incorporation of the Polish amendment (A/C.6/L.59)¹ in the fifth paragraph. Mr. Bartos pointed out that "continuing" did not mean "of indefinite duration". That word, which had moreover been used in more than one resolution establishing the terms of reference of commissions of inquiry which were by nature temporary, applied merely to their temporary task for its duration. The draft declaration should therefore receive the continuing consideration of those concerned during the transitional period of preparatory work; but it was clear that the preliminary stage should be completed as soon as possible, and the phase of definitive drafting reached with the least possible delay.
36. For those reasons the Yugoslav delegation would vote for the Chilean-Colombian amendment.
37. Mr. Soro (Chile) noted that two types of objections had been raised to the amendment (A/C.6/L.65) he had presented jointly with Colombia.
38. One type was based on the general structure of the joint draft resolution (A/C.6/L.50). Some delegations considered that its balance would be upset if the amendment was adopted. The intention of the authors of the joint draft resolution had doubtless been to have the study of the draft declaration suspended for an indefinite period. Since the joint draft resolution had been submitted to the Committee, however, a new point of view had become manifest. Many delegations had expressed the desire that the study should be completed as rapidly as possible. The Chilean-Colombian amendment merely reflected that point of view; in that respect it followed the example of the Lebanese amendment, which had set a time-limit for the submission of Governments' comments. If the draft resolution had thus lost its original character, it was because of the wishes of the Committee itself, which had not been bound by the compromise reached by some of its Members.
39. The other type of objection to the Chilean-Colombian amendment was of a practical nature. It had been said that the compilation and publication of observations would require much time
- and that consequently the General Assembly would not be in a position to examine them as early as its next session. It was possible that that prediction would in reality be borne out; but it must not be forgotten that the Committee, if it adopted the amendment, would in no way be prejudging whether the General Assembly should take a final decision on the draft declaration as early as 1950. The only result of the amendment would be to bring the question before the General Assembly again at its next session, leaving the Assembly quite free to determine whether it could proceed with a study of the documentation it had received and to take any decision it deemed appropriate.
40. The representative of France had doubted whether the political atmosphere of 1950 would be more favourable than that of 1949 to the working out of a declaration on rights and duties of States. It would never be possible, however, to tell in advance when the propitious moment for the drafting of the declaration would arrive. That argument was therefore not conclusive. The General Assembly should remain seized of the question so that when the time came, it could take the appropriate decision as rapidly as possible. That was the purpose of the amendment, which was a logical reflection of the trend of thought manifested in the Committee. The Chilean delegation therefore regretted that it could not agree to the Mexican representative's request that it withdraw its amendment.
41. Mr. FERRER VIEYRA (Argentina) wished to know whether the authors of the amendment to the eighth paragraph had intended it to mean that the Secretary-General should be authorized to place the question of rights and duties of States on the agenda of the next session without request to that effect from a Member State.
42. Mr. SOTO (Chile) confirmed that the authors of the amendment had intended it to allow the Secretary-General automatically to place the item on the agenda.
43. Mr. ORIBE (Uruguay) felt that the Chilean delegation had fully disproved the objection that the Chilean-Colombian amendment would impair the balance of the joint draft resolution. A compromise was binding only on those delegations which had entered into it.
44. The problem should, however, be examined from a more general viewpoint. The Netherlands representative had discerned two tendencies² in the joint draft resolution. The first was a tendency to deny any legally binding force to the draft declaration on rights and duties of States either in the field of codification or in that of progressive development, inasmuch as no such distinction had been established in the principles formulated therein and inasmuch as it could always be said that they all represented the law of the future rather than positive law. The second tendency, introduced into the draft resolution by Argentina and the Netherlands, was to refer the draft declaration to Governments for consideration.
45. But there was a third element, which the United States and United Kingdom representatives had not taken into account in their explanations. The Sixth Committee had undeniably

¹ See the Summary Record of the 179th meeting, paragraphs 43 and 88.

² See paragraphs 20 and 21 above.

shown a desire that a declaration on rights and duties of States, similar to that already proclaimed on the American continent, should at some time be made available to the community of nations. In that general desire two trends were discernible. Some delegations, particularly those of the United Kingdom, the United States and France, merely wished a declaration on rights and duties of States to be brought into the world at some unspecified date. A considerable number of other delegations were not so platonic; they wanted the work which had begun in 1947 and had hitherto proceeded very slowly to be continued as searchingly and as rapidly as possible. They wanted the study to be carried on without interruption. Mr. Oribe thought that Argentina and the Netherlands might be included among the countries which supported the latter tendency, although it was not manifest in the joint draft resolution.

46. It might therefore be said that the Chilean-Colombian amendment, far from disturbing the balance of the joint draft resolution, would in fact restore it by introducing that element, which had hitherto been absent.

47. The delegation of Chile had clearly defined the scope of its amendment proposing that the question of rights and duties of States be inscribed in the agenda of the next session. The representative of Uruguay wished to emphasize that such an inscription would not mean that the draft declaration had reached a stage at which it could be adopted by the Assembly at the next session. The General Assembly would probably confine itself to taking note of the comments of Governments, exchanging views, deciding to continue the work on the draft declaration and placing the question once more on the agenda for the following session.

48. The Yugoslav representative had quite rightly stressed that the inner logic of the joint draft resolution required the adoption of the Chilean-Colombian amendment. Having commended the draft declaration to the continuing consideration of Member States and the jurists of the world, the least the General Assembly itself could do was not to abandon the project. Its duty was to take the necessary precautions to ensure that the questions with which it dealt remained on its agenda until they had been fully settled. To postpone for three or four years a question which interested so many States anxious to promote the progress of international law and its institutions would be to fail to comply with the provisions of the Charter, which made it the General Assembly's duty to encourage the progressive development of international law and its codification. That was why it should not be left to a State to propose that the question should again be included in the Assembly's agenda.

49. For all those considerations, the Uruguayan representative asked the Committee to adopt the Chilean-Colombian amendment, which would make the joint draft resolution a truly conciliatory formula, combining all the viewpoints expressed in the Committee without altering its spirit.

50. Mr. ODIO (Costa Rica) stated that, between the pessimists who showered praise on the International Law Commission but wished to reduce its work to a mere distant hope, and the optimists who wanted the draft declaration to reach the

stage of practical implementation as soon as possible, the Costa Rican delegation would definitely choose the latter.

51. He supported the Chilean-Colombian amendment, as he had supported the Lebanese amendment, all the more so because the General Assembly would be left entirely free to take any decision it deemed desirable at the next session, without being called upon to take a definite stand on the draft declaration. It was important that the question should not be adjourned *sine die* but that it should be considered in 1950 and some decision taken on it.

52. The Costa Rican delegation was surprised that it should have been difficult to adopt such obvious legal principles as those formulated in articles 2, 4 and 5 of the International Law Commission's draft (A/925, paragraph 46). Such principles were already being applied in America and it could not be denied that they were the basis of peaceful relations between States.

53. Mr. LOUTFI (Egypt) said that the position taken by his delegation at the 181st¹ meeting led him to support the Chilean-Colombian amendment.

54. The Egyptian delegation was far from sharing the French delegation's fear that adoption of the amendment would result in a reopening of the debate on the fate of the draft declaration at the next session. On the contrary, that delegation considered that a new debate on that procedural question could only be most useful, since it would be conducted in the light of comments from Governments, whose opinions would presumably play an important role in that matter.

55. Furthermore, adoption of the amendment would no more prevent the Sixth Committee from extending the time-limit for comments, if some Governments requested an extension, than it would prevent the Committee from referring the comments of States and scientific institutions to the International Law Commission with a view to revision of the draft declaration.

56. Mr. TABIBI (Afghanistan) remarked that, in the view of his delegation, the Chilean-Colombian amendment was a logical consequence of the Lebanese amendment adopted at the 181st meeting. Moreover, his delegation would vote for that amendment because it considered that it was essential for the General Assembly at its next session to continue consideration of the question of the formulation of rights and duties of States.

57. Mr. MAYRAND (Canada) did not consider it illogical to reject the joint amendment after adopting the Lebanese amendment. The time-limits set in those two amendments had in fact been determined on different grounds. While it was useful to set a time-limit for the submission of observations, that was not the case with respect to the study of those observations, which could hardly be completed within five to six weeks.

58. Mr. MAKTO (United States of America) considered that the joint Chilean-Colombian amendment destroyed the balance of the draft resolution. He recalled that the original draft resolution presented by the United States (A/C.6/330) had proposed that the General As-

¹ See the Summary Record of the 181st meeting, paragraph 29.

sembly should take no action on the draft declaration. Later, in a spirit of compromise, the United States delegation had accepted the proposal to invite Governments to submit their observations on the draft for whatever use the General Assembly might find desirable. The joint Chilean-Colombian amendment would go even further and request the General Assembly to re-examine the question at the following session.

59. He pointed out that, if only for practical reasons, the General Assembly would not be able to discuss either the substance or the form of the draft declaration at its next session. As the USSR representative had pointed out,¹ it would be difficult for Governments to present their observations before 1 July 1950. Moreover, the Assistant Secretary-General had referred to the difficulty of having the observations which were received translated, assembled and published within the requisite time. In those circumstances, the General Assembly would not have the necessary information in time to take a decision either on the substance or on the form of the future draft, whether it were to be a binding convention, a declaration setting out standards of conduct, or a declaration proclaiming both rules of positive law and juridical principles in the course of development. For that reason, it would be advisable to include that item in the agenda of the fifth session. Moreover, it would always be possible to include it in the agenda of the 1951 session.

60. Mr. ALEXIS (Haiti) said that the fact he had not spoken in the general discussion on the draft declaration on rights and duties of States was due as much to his respect for the eminent jurists who had drafted it as to his desire to be chary of words which could not be translated into concrete facts. He had, however, discovered a number of imperfections and gaps in the draft in question. In particular, he found the draft declaration a little timid; it scarcely corresponded to the hopes of the new world and was not in harmony with the current development of international law. There were certain basic principles which it would be well to proclaim if the ideal of those who were conscious of the speed with which modern society was evolving towards an entirely new organization of the world was to be realized.

61. Mr. Alexis emphasized that the draft declaration was lacking in precision, owing to the fact that many nations refused to accept their responsibilities and preferred to evade them by means of vague and ambiguous formulae. If perfection were to be attained, despite any political obstacles to its achievement, if the noble purposes proclaimed by the Charter of the United Nations were to be realized, all nations would have to subject themselves to fundamental principles which were in keeping with the evolution of the modern world.

62. In conclusion, Mr. Alexis stated that he would support the Chilean-Colombian amendment, not so much because it was calculated to give concrete form in the near future to the ideals which he had mentioned as because that amendment would keep the General Assembly constantly aware of the need to produce a work of broad scope.

¹ See the Summary Record of the 180th meeting, paragraphs 28 to 34.

63. Mr. SPIROPOULOS (Greece) did not attach the same importance to the Chilean-Colombian amendment as did the United States representative. While he quite understood that the United States delegation wished as far as possible to maintain its original position, he pointed out that the adoption of that amendment would not force the General Assembly to take a position on the question of the formulation of rights and duties of States. Moreover, the rejection of that amendment would not prevent a delegation from taking the initiative of proposing the item for inclusion in the agenda of the following session of the General Assembly. In view of the general interest aroused by that question, it was not unlikely that either before or even during the fifth session a delegation might request its inclusion in the agenda. In those circumstances he thought that it would be better to await the observations of Governments and leave it to the delegations themselves to decide whether it was advisable to place the item on the agenda of the fifth session.

64. Mr. GARCÍA AMADOR (Cuba), in reply to some delegations who had stressed the time factor to which Mr. Kerno had referred, said that on the basis of his own experience he felt that the Legal Department would have sufficient time in the three months between 1 July and the opening of the following session of the General Assembly to have the documents which were received published and circulated to Governments.

65. Mr. PEABODY (Liberia) stated that, in view of the fact that his delegation had voted for the Lebanese amendment at the 181st meeting, it would be consistent, and vote for the Chilean-Colombian amendment. The draft declaration prepared by the International Law Commission contained valuable material which must be given serious study. He thought that six months would be sufficient for Governments to submit their comments and that the Secretary-General would be able to publish them within the specified time.

66. The CHAIRMAN put to the vote the Chilean-Colombian amendment (A/C.6/L.65), which proposed the addition of the words "at its next session" at the end of the eighth paragraph of the joint draft resolution (A/C.6/L.50).

The amendment was adopted by 29 votes to 9, with 14 abstentions.

67. Mr. SHANAHAN (New Zealand) explained that he had voted against the amendment because in his opinion it destroyed the compromise character of the draft resolution and could not possibly be put into effect.

68. The CHAIRMAN put to the vote the eighth paragraph of the joint draft resolution (A/C.6/L.50) as amended.

The eighth paragraph of the joint draft resolution as amended was adopted by 36 votes to 3, with 12 abstentions.

69. The CHAIRMAN asked the Committee to take a decision on the ninth paragraph of the joint draft resolution. He asked the representative of Lebanon whether his amendment (A/C.6/L.54) proposing the addition of the words "the preamble and" after the words "Directs that the text of" still stood.

70. Mr. MATTAR (Lebanon) said that he would not maintain his amendment provided that the words "of the articles" were deleted from the paragraph.

71. The CHAIRMAN decided that, in the absence of any objection, the words "of the articles" would be deleted from the ninth paragraph as they had been deleted from the fifth and sixth paragraphs.¹

72. He asked the representative of Cuba whether, in the circumstances, he wished to maintain his amendment (A/C.6/L.55), the significance of which was identical with that of the Lebanese amendment which had just been withdrawn. The text of the Cuban amendment to the ninth paragraph follows (A/C.6/L.55):

"Therefore, directs that the text of the preamble and articles of the draft declaration be annexed to the present resolution."

73. Mr. GARCÍA AMADOR (Cuba) replied that he would be prepared to withdraw his amendment provided it were decided to annex to the draft resolution not only the articles but also the preamble to the draft declaration, since the latter contained an extremely important explanation of motives.

74. Mr. FERRER VIEYRA (Argentina), Rapporteur, confirmed the fact that the complete text of the draft declaration drawn up by the International Law Commission (A/925, paragraph 46) would be annexed to the draft resolution.

75. The CHAIRMAN assumed that a similar amendment (A/C.6/L.56) submitted by the Chilean and Colombian delegations to delete "of the articles" from the ninth paragraph of the joint draft resolution was also withdrawn.

76. He put to the vote the original text of the ninth paragraph of the joint draft resolution (A/C.6/L.50) as amended.

77. Mr. BARTOS (Yugoslavia) said that he would abstain from voting on the ninth paragraph of the draft resolution, not because he did not think that the draft declaration was an important contribution to the progress of international law, but because it had not been discussed article by article.

The ninth paragraph of the joint draft resolution was adopted by 48 votes to none, with 3 abstentions.

78. The CHAIRMAN drew the Committee's attention to a Lebanese amendment (A/C.6/L.54) proposing the addition of a further paragraph stressing the need to publish a special booklet on the draft declaration. The text of the proposed new paragraph follows (A/C.6/L.54):

"Proclaims the need to give the fullest publicity to the text of the preamble and articles of the declaration with a view to bringing the contents to the knowledge of all the peoples of the world and therefore requests the Secretary-General to undertake, as soon as possible, the publication of a special booklet for that purpose."

79. Mr. MATTAR (Lebanon) explained that the purpose of his amendment was to give the draft

declaration drawn up by the International Law Commission all the publicity it merited.

80. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) stated that it was the custom of the Legal Department to give all important documents the fullest possible publicity. Since the Committee had admitted the importance of the draft declaration by deciding to annex it to its draft resolution, the Secretariat would have all the more reason to publish a special booklet for purposes of publicity.

81. Mr. KORETSKY (Union of Soviet Socialist Republics) said that, having heard Mr. Kerno's explanations, he thought that the Lebanese amendment was unnecessary.

82. Mr. GARCÍA AMADOR (Cuba) thought it was always advisable for the resolution itself to state the importance which the General Assembly attached to the need for publicity for the draft declaration. He considered, however, that it would be sufficient to publish only the text of the draft and not the International Law Commission's comments on each of its articles.

83. Mr. ROLING (Netherlands) pointed out that such a publication might mislead world opinion. The public, not having followed the debates in the Committee, might thus be led to believe that the General Assembly had already laid down basic rights and duties of States. He would therefore vote against the Lebanese amendment, since it seemed to suggest that the General Assembly considered the draft declaration binding.

84. The CHAIRMAN said that, to avoid misleading the public, the Secretary-General should of course mention in the proposed booklet what the General Assembly had decided with regard to the draft declaration.

85. He put to the vote the Lebanese amendment (A/C.6/L.54) proposing the addition of a further paragraph to the draft resolution (A/C.6/L.50).

The amendment was rejected by 22 votes to 15, with 12 abstentions.

86. The CHAIRMAN announced that he would put to the vote the entire joint draft resolution (A/C.6/L.50), as amended during the discussion.

87. Mr. GLASHEEN (Australia) proposed the following drafting change: to insert the Lebanese amendment² concerning the time-limit for the submission of comments by Governments after the new paragraph which he had proposed (A/C.6/L.64)³ and which would be inserted after the seventh paragraph of the draft resolution. Thus the Lebanese amendment would apply to that new paragraph as well.

88. The CHAIRMAN put to the vote the joint draft resolution as a whole (A/C.6/L.50), as amended.

The joint draft resolution was adopted by 39 votes to none, with 10 abstentions.

The meeting rose at 1.30 p.m.

¹ See the Summary Record of the 179th meeting, paragraphs 30 and 33.

² See the Summary Record of the 181st meeting, paragraph 20.

³ *Ibid.*, paragraph 45.