United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

SIXTH COMMITTEE, 882nd MEETING

Wednesday, 24 November 1965, at 11 a.m.

NEW YORK

CONTENTS

Chairman: Mr. Abdullah EL-ERIAN (United Arab Republic).

AGENDA ITEMS 90 AND 94

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (continued) (A/5725 and Add.1-7, A/5763, A/5865; A/C.6/L.537/Rev.1 and Corr.1 and Add.1, A/C.6/L.574):

(a) Report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/5746);

(b) Study of the principles enumerated in paragraph 5 of General Assembly resolution 1966 (XVIII);

(c) Report of the Secretary-General on methods of fact-finding (A/5694)

Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities (continued) (A/5757 and Add.1, A/5937)

1. Mr. OUMA (Uganda) said that although the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/5746) was inconclusive, it was nevertheless helpful since it did throw light on the problems arising out of the discrepancies between contemporary international law and the principles under discussion. International law could no longer be satisfactorily presented as formerly and that was hardly surprising, since many of the rules of international law had been laid down and developed by a small number of States to protect interests or solve problems not necessarily identical with those facing the world community today. Nevertheless, the substance of international law had kept pace to a remarkable extent with the changing needs of the times and that was not a matter for surprise either for legal problems were solved not so much by the labours of jurists or on the basis of the practice of any given generation, but in the light of the steady pressure of human development.

2. General Assembly resolution 1815 (XVII) gave the United Nations a splendid opportunity to assist in building up an international legal order. That task was a challenge not only to the United Nations but to its Member States also, for the principles enumerated in the resolution in question were at present more honoured in the breach than in the observance, and any opposition or lack of co-operation by Member States in reaching concrete measures designed to make their application more effective would defeat the intentions not only of the resolution but of the Charter itself. Without international friendly relations, co-operation and the total elimination of colonialism there could be no trust, good faith or progressive international order and hence no world peace, and that was why Uganda welcomed the resolution in question.

3. The principle of equal rights and self-determination of peoples was an important factor in international peaceful relations, but it was flagrantly contradicted by colonialism, the elimination of which was therefore an essential condition for peaceful coexistence. The delegation of Uganda considered that the right of colonial peoples to obtain and defend their human rights and freedoms should be recognized and that the argument that the self-determination of colonial peoples was a matter falling essentially within the domestic jurisdiction of colonial Powers was totally invalid. The so-called reserved domain of matters falling essentially within the domestic jurisdiction of States did not include the substantive obligations of States under international law.

4. The delegation of Uganda considered that the principle of the prohibition of the threat or use of force as stated in Article 2, paragraph 4 of the Charter was essential for peaceful relations among States, and it was convinced that only by strict observance of that principle could international peace and co-operation among nations be achieved. It believed

that any advocacy of the threat or use of force in international relations was inconsistent with the principle of the equality of sovereign States and it agreed with the view expressed in the report that there was a definite need to prohibit both the direct and indirect threat or use of force or of any form of political, economic or other pressures. It rejected as groundless and unfortunate the argument that, in view of the interdependent nature of the contemporary world, States must necessarily influence the policies of other States, but accepted that the prohibition of the threat or use of force should not affect either the use of force in accordance with decisions of the Security Council made in pursuance of the Charter or the right of States to take measures of individual or collective self-defence in the event of attack.

5. The principle of the peaceful settlement of disputes was a logical complement to the obligation to refrain from the threat or use of force, and Uganda recognized that principle as a legal obligation on States under contemporary international law. The delegation of Uganda agreed that the international machinery for the peaceful settlement of disputes could be improved, perhaps in the manner proposed by the delegation of the Netherlands (874th meeting), but considered it doubtful that the unwillingness of States to submit their disputes to the existing machinery was due mainly to imperfections in that machinery. The United Nations should make every effort to improve the machinery and at the same time appeal to Member States to support the international legal system.

6. The observance of the principle of non-interference in the domestic affairs of another State was of great importance for that would give full effect to the principle of the sovereign equality of States, and therefore the delegation of Uganda supported the views expressed in paragraph 262 of the Special Committee's report. The proposals submitted by Madagascar (see A/5757 and Add.1 and A/5937) were worthy of every consideration in connexion with the principles before the Committee.

7. In conclusion, the delegation of Uganda supported the proposal that the Special Committee should continue its work on the principles on which agreement had not been reached, and held that due consideration should be given to the Declaration entitled "Programme for Peace and International Co-operation", adopted by the Second Conference of Heads of State or Government of the Non-Aligned Countries at Cairo in October 1964 (A/5763) which could be helpful to the Committee.

8. Mr. TUKUNJOBA (United Republic of Tanzania) noted that the principle of the prohibtion of the threat or use of force expressed in the Charter of the United Nations represented the second attempt by the international community to assert the unlawful nature of force in international affairs. The League of Nations had been founded after the First World War because the nations of the world had learnt the bitter lesson that no one gained from war; but the League of Nations had been too exclusive a club to be able to maintain peace, and it was after a Second World War, which the League of Nations had been unable to prevent, that the United Nations had been founded, its difficulties being all the greater because not only were individual nations divided but the whole world as well.

9. In the opinion of the Tanzanian delegation Article 2, paragraph 4 of the Charter imposed a binding obligation on all the members of the international community, and it was a pity that the Special Committee had been unable to reach agreement on the principle, but there had been frank and genuine discussions on the subject in Mexico City and the report of the Special Committee was therefore of some value. It was only natural that many delegations should feel keen disappointment at the lack of progress, but a good mason knew that his first brick, though only a small beginning, was nevertheless vital, for without it there could be no building.

10. The report of the Special Committee emphasized anew the difference between the attitude of the new States to international law and that of the colonial Powers. The newly independent countries knew only too well the humiliation which could be caused to a country by pressure in any form, so they naturally wished to outlaw every type of pressure. Some of the developed countries did not agree with that attitude, but the Tanzanian delegation felt that it should be made absolutely clear in the declaration which the Committee was eventually to formulate that pressure of any kind should be regarded as force within the meaning of Article 2, paragraph 4 of the Charter.

11. As in the case of the principle of the prohibtion of the threat or use of force, views on the principle of non-interference had been divided in the Special Committee. Once again, however, the Tanzanian delegation felt that there was no room for compromise: all kinds of interference should be outlawed, and that should be made clear in the final declaration. Some States had assumed the missionary task of preventing the spread of certain ideologies, but that was a violation of the Charter, which laid down that States should practise tolerance. Such States should realize that the newly independent countries had no intention, in spite of the much-appreciated aid which they received from other countries, of allowing themselves to be dominated ideologically or in any other respect. The Tanzanian delegation supported the proposal in paragraph 203 of the Special Committee's report. All States were free to formulate their own political and economic policies, and the great Powers must learn to practise tolerance and realize that the attitude to economic and political policies in countries such as Tanzania was not necessarily the same as in their own countries. An important exception to the general rule of the prohibition of interference in the affairs of other countries was that of assistance to peoples striving to gain their independence. The General Assembly had on several occasions called upon all colonial Powers to grant self-determination to all peoples under their domination, and it must be clearly understood that the assistance pledged to such peoples by the newly independent countries of the world could in no circumstances be considered as interference in the domestic affairs of another country.

12. As far as the principle of the peaceful settlement of disputes was concerned, the Tanzanian delegation considered that the choice of the peaceful means to be used should be left to the parties to each dispute: the United Nations should not prescribe certain methods of settlement to the exclusion of others. Nevertheless, those countries which had already accepted the compulsory jurisdiction of the International Court of Justice had every right to call upon other countries to do the same, so as to strengthen the Court's authority. It was true, however, that the membership of the Court was not representative of the contemporary international community, and it was desirable that it should be reviewed as soon as possible in order to make it more representative. It was worth recalling that the Organization of African Unity had set up a commission to promote the peaceful settlement of disputes in its region.

13. The Tanzanian delegation agreed that the Special Committee should be given a further mandate so that it could finish its work on the principles under consideration, but its membership should be enlarged to make it more geographically representative, as the principle of equitable geographical representation had not been strictly observed when it had been set up. It should also be asked to study the three additional principles which had not been studied in Mexico City.

14. In conclusion, the delegation of Tanzania called upon all States to observe strictly the principles of friendly co-operation, for that was the only path to progress.

15. Mr. FARTASH (Iran) said that human society was based on the existence of States, i.e., groups of men established in well-defined areas and obeying well-defined authorities, and as relations between those States were unfortunately not always friendly it was necessary to make arrangements, in accordance with the letter and spirit of the Charter, for collective security through the existence of collective forces capable of preventing threatened conflicts or putting an end to those taking place.

16. The Charter of the United Nations set out, inter alia, in Chapters VI and VII, the principles which Member States should follow in order to ensure international peace and security, but it had proved necessary to reaffirm the legal force of those principles by clarifying their scope and content, and that was the task which had been entrusted to the Special Committee. The report of the Special Committee was a remarkable document which set out the different points of view and conceptions expressed on the principles under consideration with great clarity and in such a way that it gave an accurate idea of the difficulties which had prevented the Special Committee from reaching agreement on the four principles it had studied. Although the Special Committee had been able to reach agreement on only one principle, however, the Iranian delegation, like a number of other delegations, considered that its discussions had been highly constructive and had greatly contributed to the progressive development and codification of the principles considered.

17. Chapter III of the report, which dealt with the principle of the prohibition of threat or use of force, showed the scope and importance of that principle. The Special Committee had discussed at some length the definition of the word "force" in Article 2, paragraph 4 of the Charter, and it was noteworthy that throughout its discussions it had kept in mind not only the practice followed in the application of the Charter but also the changes which had taken place over the last twenty years in the structure of the international community as a result of the downfall of the colonial system, the creation of new independent countries and the great progress made in science and technology, to mention only three factors.

18. In the opinion of the Iranian delegation, the prohibition of the threat or use of force was a general and peremptory principle of the Charter which rendered the use of force unlawful except in cases authorized or expressly provided for by the Charter, such as measures taken by the Security Council under Chapter VII. It was to be noted that Article 51 of the Charter, which formed part of that Chapter, provided not only for the inherent right of individual self-defence, but also for collective aid by a group of States to the victim of aggression "until the Security Council has taken measures necessary to maintain international peace and security", while Article 53 specified a permissible exception to the general prohibition of the threat or use of force by authorizing enforcement action by regional agencies, although not without the authorization of the Security Council.

19. The Iranian delegation welcomed the progress made by the Special Committee on the subject of the prohibition of the threat or use of force, which was reflected in paper No. 1 reproduced in paragraph 106 of the Special Committee's report, and although no fianal agreement had been reached on the principle, the trend of the discussions in the Sixth Committee gave grounds for hoping that a virtual agreement did exist on that question and that all that remained was to decide by what means it should be given formal expression.

20. Iran had demonstrated the great importance it attached to the principle of the peaceful settlement of disputes by becoming the first Member State to bring a dispute before the Security Council in 1946. For the first time, in connexion with Iran's complaint against the Soviet Union, the Council had been called upon to act under Chapter VI of the Charter. Moreover, as early as 1932, the Iranian Government had accepted the compulsory jurisdiction of the Permanent Court of Justice, and, although it had withdrawn its declaration of acceptance in 1951, it viewed with sympathy the Japanese proposal submitted at the Mexico City session (see A/5746, para. 136); it was reconsidering the matter and hoped to submit a new declaration of acceptance of the compulsory jurisdiction of the International Court of Justice in the near future. It had also welcomed the United Kingdom initiative in proposing an item on peaceful settlement for discussion by the First Committee.

21. The principle of non-intervention had been invoked by the Iranian Government when it had brought the case of the Anglo-Iranian Oil Company before the

International Court of Justice in 1952.[1] Iran's acceptance of the compulsory jurisdiction of the Permanent Court of Justice in 1932 had been accompanied by a reservation stating that the Court's jurisdiction did not extend to disputes arising out of matters which by international law were solely with the domestic jurisdiction of Iran. The reservation reproduced the terms of Article 15, paragraph 8 of the Covenant of the League of Nations. It would be noted that Article 2, paragraph 7 of the Charter, the corresponding provision governing Members of the United Nations, no longer referred to international law or to "sole" jurisdiction, but rather to matters "essentially within the domestic jurisdiction of any State". It represented a broader idea under which the parties concerned in a dispute enjoyed a certain latitude in determining whether a particular matter was subject to the law of the Charter and to intervention by the United Nations. Iran had already raised that question in the Security Council in 1951 when it had declared that nationalization was a matter essentially within its domestic jurisdiction and that the Council therefore was not competent to consider it. The resolution ultimately adopted by the Council had not ruled on that point of law. Iran had justified its objections to the competence of the International Court of Justice on the grounds that the list of matters deemed to be "essentially within the domestice jurisdiction of States" drawn up by the authors of Article 2, paragraph 7 at the United Nations Conference on International Organization had included both territorial questions and those relating to raw materials. Mr. Henri Rolin, in pleading Iran's case before the International Court, had argued that there were three areas of domestic jurisdiction: domestic matters in respect of which States were bound or governed by the law of nations; the reserved area; and an intermediary area of domestic jurisdiction which included matters dealt with in specific conventions and therefore, of international concern. There were, moreover, two categories of matters in the intermediary area: those which were the subject of specific bilateral treaties and were therefore governed by the law of nations, and those which were not the subject of bilateral agreement but could not be included in the reserved area. Henri Rolin considered Article 2, paragraph 7 to be broader in scope than Article 15, paragraph 8 of the Covenant, and his view had been shared by Kelsen and Scelle, but disputed by Kopelmanas. Like the Security Council, the Court had not ruled on the question whether the Anglo-Iranian oil dispute was a matter essentially within the domestic jurisdiction of Iran or whether Article 2, paragraph 7 applied. Such a ruling might have helped to clarify the jurisprudence on the Article, for it was one which was developing constantly in response to changes in international relations. His delegation had welcomed the Soviet Union's initiative in seeking to include an item in the agenda of the current session on the inadmissibility of interference in the internal affairs of States (see A/5977).

22. He had been gratified to note that despite the long list of points which were still unsolved, the Special Committee had reached general agreement on the principle of the sovereign equality of States. It had thus taken a first step towards the progressive development of that tenet of international law.

23. The Iranian delegation considered that when the Committee had completed the task of developing the principles of friendly relations set out in the Charter, having regard to the evolution of international relations in the past twenty years, those principles should be embodied in a declaration to be adopted by the General Assembly as had been the case for the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)). The three principles on which the Special Committee had failed to reach agreement together with the remaining principles enumerated in General Assembly resolution 1815 (XVII) should be referred to a special committee whose composition and terms of reference would be determined by the Sixth Committee.

24. Mr. N'DIAYE (Mali) said that although it was regrettable that the work of the Special Committee in Mexico City had not resulted in wider agreement, the report was a valuable working document for the Sixth Committee and gave a clear statement of the different ideas which had confronted each other at that session.

25. The four principles under consideration constituted, in his delegation's opinion, the foundation of international law and of the United Nations Charter. Therefore their codification and the universal acceptance of their binding character were of primary importance for conserving peace and friendly relations among States. Such codification would render the Charter more dynamic after the experience of twenty years. It was possibly the most important task which the Sixth Committee had so far been entrusted with. In that task, the changes that had taken place in the international community since the Charter's adoption, such as the enormous progress in science and technology and the great number of new States on the international scene, should be taken into account. Clear and precise definitions were necessary and their scope should be enlarged to adapt them to the norms of a period when international questions dominated the life of all States and all peoples. That the Committee's task would not be easy had been shown by the different and almost irreconcilable views which had been expressed at the Mexico City session. But rather than a confrontation of ideologies, the new and small countries needed clear rules to protect their territorial integrity, national sovereignty and political independence.

26. It was hardly necessary to point out that all previous attempts to regulate international relationships had failed because of the uncertain character of the regulations and their subordination to political ends. If the nations of the world really wanted peace they must subordinate their doctrinal differences to defining international rules. He was pleased to notice the recent conciliatory action of the United States in meeting the position of the majority of the Special Committee on the principle of the threat or use of force.

27. As his country had not participated in the Mexico City session, he wished to state briefly what, in its

[1] See I.C.J. Pleadings, Anglo-Iranian Oil Co. Case (United Kingdom v. Iran) and Anglo-Iranian Oil Co. case (jurisdiction), Judgment of July 22nd, 1952: I.C.J. Reports 1952, p. 93.

view, was permissible and what was not. Absolute prohibition of the threat or use of force was essential for the survival of humanity. Article 2, paragraph 4 of the Charter was an improvement in that respect on the corresponding Article of the League of Nations Covenant, which had allowed resort to force in certain circumstances, but it might be interpreted as applying only to armed force and not to force of other kinds. In his country's opinion, any acts likely to imperil international peace and security were forms of force. Such, for example, were the formation of irregular contingents of mercenaries planning to make armed incursions into a third State and direct or indirect military support for political refugees, aimed at subversive activities against a third State. Force meant any attack on the political or juridical personality of a State and any attempt to disturb the internal peace of a State. Its definition should be further extended to include any pressure of an economic, social, cultural or psychological order exerted on a State in an attempt to make it change the fundamental directions that it had freely chosen. His delegation considered that economic pressure in particular was a factor in international tension and was of the opinion that the Drago doctrine should be taken into account in any declaration on the principle forbidding the threat or use of force in international relations.

28. The hopes of the young States, which were particularly vulnerable to those forms of pressure, were fixed upon a clear declaration by the General Assembly that force of any kind, with the exception of coercive measures taken in conformity with Articles 42 and 43 of the Charter and legitimate self-defence should be strictly banished by international law from relations between States. Naturally, such prohibition would be of little avail unless the United Nations made effective progress in arriving at general and complete disarmament.

29. Article 33 of the Charter dealt with the pacific settlement of disputes and indicated some of the possible means to achieve that end. But his delegation considered that before defining those methods, the meaning of "international dispute" should be made clear. The generally accepted doctrine was that there were two kinds of disputes: first, on matters of fact, or what was right and, secondly, those resulting from some disagreement or clash of interests between States. They could be summarized as juridical or political differences. The Charter itself seemed to have recognized that distinction since Article 36, paragraph 3 stated that "legal disputes should as a general rule be referred by the parties to the International Court of Justice". That presupposed the existence of disputes of another order for the settlement of which means other than juridical must be sought.

30. Diplomacy was the means customarily used for the settlement of political disputes, but was likely to lead to a just solution only if the opposing interests were of roughly equivalent importance. That was not always the case in a dispute between a small State and a great Power and should therefore only be used with prudence. His delegation would be ready to support any definition for settling disputes which might afford greater protection to small States and would be interested in an extenstion of juridical means for the settlement of disputes, such as the International Court of Justice or the Commission of Mediation, Conciliation and Arbitration established by the Organization of African Unity.

31. His delegation considered that the third principle, non-intervention in matters within the domestic jurisdiction of any State, was complemntary to the two previous principles and like them it should be clearly defined. He defined "intervention" as interference by a State in the affairs of another State with a view to imposing its will or making its own views or particular interests prevail, and noted that that practice was still prevalent in international relations. It was not surprising, therefore, that the Special Committee had not been able to arrive at an agreed formulation of the principle of non-intervention as that principle so closely touched the interests of certain States. Some States did not wish it to be too clearly defined, so that they could find loopholes for an interpretation of their own in conformity with their interests at any particular time. But, in the opinion of his delegation, any progress that might be made towards a definition of the principle would be a considerable progress towards defining one of the chief sources of international disputes.

32. It was not to be denied that intervention of an economic, social or educational order could be beneficial to the developing States, but that was only acceptable under an agreement between the States concerned. An intervention, on the other hand, which consisted in an attempt to modify the régime of another State or prevent it from changing its constitutional structures in accordance with the wish of its people must be considered a flagrant violation of the self-determination of peoples and consequently a threat to international peace and security. Subversion had become a widespread form of intervention which hid itself under such guises as political assassination, financial assistance for seditious elements or incitement to rebellion in an attempt not only to overthrow Governments but to attack the fundamental structures of States in the name of ideologies claimed to be superior. Its danger was such that the Assembly of Heads of State and Government of the Organization of African Unity, which met at Accra in October 1965, had given it a special position in its report.

33. A distinction must be drawn between lawful and unlawful intervention. Lawful intervention was an answer to a right conferred by a treaty or a formal request for intervention on the part of the Government of the State concerned. But the experience of recent years had shown that such intervention generally led to abuse and ended by degenerating into chaos or civil war. Therefore his delegation considered that, to avoid such abuses, intervention should be the subject of a particularly thorough study so as to lead to a precise definition of its scope and effect.

34. It should be clearly understood that his delegation considered that practices contrary to the purposes of the Charter and the provisions of the Universal Declaration of Human Rights, such as apartheid and genocide, did not come within the domestic jurisdiction of a State. The principle of non-intervention

should be invoked only for acts of bad faith. Intervention aimed at restoring human dignity and freeing populations which were still under foreign domination should be considered as an act tending to free humanity from a source of international tension. Moreover, any subject of discord ceased to be an internal matter when it had international repercussions and came within the purview of the United Nations by virtue of Chapter VII of the Charter. Lastly, prohibition of intervention in the domestic affairs of a State should be solemnly reaffirmed by means of clear and well-defined rules supported by a peremptory declaration of the General Assembly.

35. The fourth principle under discussion, namely that of the sovereign equality of States, was laid down in Article 2, paragraph 1 of the Charter; it was a fundamental rule of international law and without it well-regulated international life was impossible. However, as with the other principles, there were difficulties of interpretation of the notion of equality. The United Nations should not be content to leave it as a mere formula but should aim to give it precise definition so that no State could be in a condition of inequality when making bilateral or multilateral treaties. Such a position of inequality occurred, for example, when a colonial State imposed on a subject population a treaty favourable to itself as a condition of the latter's accession to full sovereignty.

36. Concerning the Secretary-General's report on methods of fact-finding (A/5694), his delegation considered that, as the Special Committee had not had time to examine it thoroughly, it would be better to postpone discussion of it until it had been adequately examined so as to provide the Sixth Committee with a basis for discussion at the twenty-first session of the General Assembly. His delegation reserved the right to express its point of view on the question when it came up for discussion and in particular to announce its support for the establishment of a permanent body charged with fact-finding in the case of international conflict.

37. His delegation supported the draft resolution submitted by Madagascar (A/5757) and considered that it should be studied in connexion with the four principles under review. His delegation would also express its views at the appropriate time on the three principles enumerated in paragraph 5 of General Assembly resolution 1966 (XVIII).

38. In conclusion, he stressed that it was essential that the hopes and desires of mankind should be met by the establishment of a system of international law in which they might place their trust.

39. Mr. TOUBEAU (Belgium) congratulated the Special Committee and, in particular, its Rapporteur, upon the progress made at the Mexico City session in formulating the principles of friendly relations and co-operation among States. It would be a mistake to judge the value of the Special Committee's work merely by weighing the number of points on which agreement had been reached against those still in dispute. Actually, only one out of the four principles studied, namely, the principle of the sovereign equality of States, had been formulated to the satisfaction of all members of the Committee. Agreement was also in sight on the principle of the prohibition of the threat or use of force. Of course, it would have been gratifying for the Committee to have agreed on all four principles, but in no circumstance should it have sought agreement at any cost to the detriment of the real effectiveness of its accomplishments.

40. The task which the Sixth Committee had set for itself was very difficult and complex, and in seeking a common denominator, the Special Committee had quite properly attempted to sort out the areas of agreement and disagreement. Had it done otherwise, it would have diminished the value of its work and created misunderstandings which could only undermine friendly relations among States. On the other hand, the analysis of prevailing opinion given in the report (A/5746) was meaningless unless it was applied to reconciling opposing positions.

41. The four principles under study frequently affected the vital interests of States. Consequently, it was not surprising that many States were tempted to lose sight of their long-term interests and those of the international community and were strongly influenced in their views by specific political problems of a controversial nature. In the circumstances, when seeking to codify the principles States should be urged to be influenced as little as possible by their immediate or short-term political interests.

42. The problems of defining the principle of self-determination illustrated the magnitude of the Committee's task. The Charter dealt with the principle in general terms in Articles 1 and 55, and the Assembly had adopted resolutions reaffirming it and other texts had referred to it in connexion with specific questions such as that of decolonization. The question arose whether the Committee was required under resolutions 1815 (XVII) and 1966 (XVIII) to study it not only in relation to decolonization but also to other contemporary events and current international experience. The references of self-determination of peoples in the Charter could not be said to apply solely to Trust or Non-Self-Governing Territories. The principle had a long history; it had been invoked as early as 1920 as the ideal basis for peaceful relations among the European Powers. The newly independent States should decide to what extent, outside the context of decolonization, self-determination should govern their relations with the Western Powers, with their neighbours and with the rest of the world. They should determine where self-determination ended and the sovereignty of States began. On that issue alone, it was highly improbable that a unanimously acceptable formulation could be worked out.

43. The codification and progressive development of the principles of friendly relations should be continued by a committee with a limited membership. While the main geographical regions and trends of thought should be represented, the number of participants should not be so large as to give rise to conflicts of opinion on secondary matters. A committee of twenty-seven members like the Special Committee was perfectly capable of doing constructive work and should not be enlarged. Since it was generally recognized that it had worked very effectively in Mexico City, there would seem to be no logical reason for

altering its composition or terms of reference. With regard to the latter, the Committee should endeavour to formulate rules which would have value beyond the contingencies of the moment and prove acceptable to all Member States. The criterion of majority approval, normally applied to political decisions, could not be applied to the adoption of rules of law, lest the Committee expose itself to the charge that it was interested less in law-making than in achieving political objectives which were not within its purview. Moreover, international law had become so complex that a formulation erroneously represented as a legal rule could be used at a later stage against the States which had originally supported it for political reasons. To avert those dangers, the Special Committee had wisely applied the method of "consensus", the only means of achieving lasting results in implementation of the Assembly resolutions. Indeed, it was following the precedent established by the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space in drafting the resolution on the legal principles governing the activities of States in the exploration and use of outer space.

44. The Belgian delegation would support any draft resolution aimed at fulfilling the objectives he had been discussing. It considered that the proposal submitted by Madagascar was timely and should be thoroughly explored by the Special Committee in connexion with its future work. The question of fact-finding should also continue to be discussed in the United Nations, possibly in the First Committee in relation to its consideration of methods of peaceful settlement. In compliance with Assembly resolution 1967 (XVIII), the Secretariat had produced or was producing useful studies which might serve as a basis for that Committee's continued work on the maintenance of peace.

45. In its work on the principles of friendly relations, the Committee should bear in mind the Brazilian representative's emphasis (881st meeting) on the major phenomenon of the current era, namely, the determination of the newly independent States to share in the prosperity created by the highly industrialized nations, and on the idea that law was not built on abstractions, but on economic and social realities and on the aspirations for a better life of all peoples. A text formulating the principles would be valueless unless it reaffirmed the belief that all nations were determined to create a better world.

Organization of work

46. The CHAIRMAN, after drawing attention to the agenda items which had not yet been discussed and the relevant documentation, recalled that the Committee had agreed at the 872nd meeting to establish a working group of fifteen members to examine the procedural questions involved in the draft Declaration on the Right of Asylum. He suggested that the working group should be composed of representatives of the following countries: Australia, Bulgaria, Ceylon, Colombia, France, Iraq, Japan, Mali, Nigeria, Norway, Philippines, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

It was so decided.

The meeting rose at 1 p.m.

Litho in U.N. 77601—April 1966—2,000