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**SIXTH COMMITTEE, 898th
MEETING**
(Closing meeting)

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(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.*

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Completion of the Committee's work.

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 (concluded)* (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, L.575 and Add.1; A/C.6/L.576, L.577/Rev.1; A/C.6/L.578 and Add.1; A/C.6/L.580, L.585 and Add.1):

(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 (concluded) (A/5757 and Add.1; A/5937)

1. Mr. YASSEEN (Iraq), introducing draft resolution A/C.6/L.585 and Add.1, said that it was a response

*Resumed from the 893rd meeting.

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to the need—which had been quickly felt by all the members of the Committee—to work out a joint text to serve as a basis for the work which the General Assembly was to undertake on the important question of principles of international law concerning friendly relations among States. Accordingly, the sponsors of the four proposals which had been before the Committee (A/C.6/L.575 and Add.1, A/C.6/L.576, A/C.6/L.577/Rev.1 and A/C.6/L.578 and Add.1) had set up first a Conciliation Committee and then a Drafting Committee to draw up a joint draft resolution. The task entrusted to the drafting committee had been far from easy, and a tribute should be paid to the spirit of understanding and goodwill in which its work had proceeded.

2. As far as part A of the draft was concerned, the members of the Drafting Committee had been able to reach agreement on a number of questions which had initially seemed controversial. For example, a compromise satisfactory to all had been worked out with regard to the need for the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States to employ the consensus method, which had been stressed by the sponsors of one of the previous draft resolutions (A/C.6/L.575 and Add.1); the sixth preambular paragraph emphasized the significance of continuing the effort to achieve general agreement on the seven principles set forth in General Assembly resolution 1815 (XVII), without prejudice to the applicability of the rules of procedure of the General Assembly. The draft resolution also took account of the desire of many delegations for the adoption of a declaration which would draw the attention of the international community to the essential points on which there was general agreement, or at least a large majority, with a view to the progressive development and the codification of the principles in question.

3. It had also been necessary to define the Committee's terms of reference with regard to the four principles that had already been considered at the Mexico City session. In operative paragraph 4 (a), the Special Committee was requested to continue the consideration of those principles, "having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters"; thus, the results achieved in Mexico City were taken into account. With regard to the three other principles, the draft resolution adopted the wording used in General Assembly resolutions 1815 (XVII) and 1966 (XVIII).

4. All the controversial issues had thus been resolved, and the joint draft resolution could be regarded

as truly reflecting the viewpoint of each of the groups sponsoring the previous draft resolutions.

5. Part B of the draft dealt with item 94 entitled "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", which was generally acknowledged to be closely connected with item 90 dealt with in part A. The Drafting Committee had therefore thought it advisable to instruct the Special Committee to study the two items simultaneously.

6. The CHAIRMAN pointed out that the Special Committee, as reconstituted, would be entirely free to consider and adopt whatever procedures it thought most appropriate in order to carry out its terms of reference and that it would not be automatically bound by the procedural decisions taken by the 1964 Special Committee.

7. Mr. ROSENNE (Israel) said he could not understand why the sponsors had thought it necessary to insert the phrase "without prejudice to the applicability of the rules of procedure of the General Assembly" in the sixth preambular paragraph of part A of draft resolution A/C.6/L.585 and Add.1. The rules of procedure derived their authority from the Charter and of course applied to the subsidiary organs established by the General Assembly in accordance with rule 162.

8. He also felt, with regard to part B, that the Committee should have submitted to the General Assembly a draft resolution based directly on that submitted by the Malagasy delegation (see A/5757 and Add.1 and A/5937). It was to be hoped that the practical implication of the adoption of the joint draft would not be the burial of the Malagasy proposal and that the latter would remain before the Committee for more substantive action at a later stage.

9. Mr. YASSEEN (Iraq) explained that the reservation inserted in the sixth preambular paragraph of part A had seemed necessary to the representatives of some groups and was far from meaningless. While it was true that the rules of procedure of the General Assembly derived their authority from the Charter, rule 162 provided for precisely the possibility of departing from the rules of procedure, since it stated that those rules should apply to the procedure of the subsidiary organs unless "the General Assembly or the subsidiary organ decides otherwise". When a General Assembly resolution emphasized the significance of achieving general agreement, the subsidiary organ established by it could conclude that the Assembly wished it to achieve such agreement at all costs. Accordingly, it had been thought necessary to dispel the doubt to which the first part of the sixth preambular paragraph might give rise. The Special Committee must not be so impressed by the reference to general agreement as to think itself obliged to adopt rules of procedure which would compel it to base all its work on such agreement or even on unanimity.

10. Mr. SIDKY (Afghanistan) said he would vote for draft resolution A/C.6/L.585 and Add.1 because his delegation believed in the principles of international law which the Special Committee was charged with

considering. While it was true that the development of international law had progressed during the past century, the time when those principles would be codified was still distant. Yet, their codification was essential to the peace and security of the world. His delegation also believed that the Special Committee would be organized according to an agreed formula and in such a way as to take all points into consideration. Indeed, agreement on matters as important as those which the Special Committee was to consider would not be possible unless all points of view were represented in it. One of the reasons for the failure of the Special Committee which had met in Mexico City had unquestionably been its composition.

11. One of the weaknesses of contemporary international law was that it was based on strictly Western legal principles. In undertaking the study requested of it, the Special Committee should take a wider view and, freeing itself from the traditional Western approach, search for new sources of principles of international law by taking account of, for example, the human element.

12. It was also essential that the terminology adopted by the Special Committee should be acceptable to all and have the same meaning for all.

13. With regard to the four principles whose study the General Assembly had undertaken at its seventeenth session (resolution 1815 (XVII)), he thought it most important that the Special Committee should thoroughly discuss the principle of non-intervention and thus help to remove existing difficulties in international relations. In that connexion, he recalled the statement which the head of his delegation had made at the 1396th meeting of the First Committee on 3 December 1965.

14. Lastly, he wished to draw the Committee's attention to the fact that the right of self-determination had been recognized by the United Nations as a right and not merely a principle and that it must be applied accordingly. He would therefore like to have the words "the right of" inserted after the words "the principle of equal rights and" in the eighth preambular paragraph of the draft resolution.

15. Mr. VANDERPUYE (Ghana) said he welcomed the agreement that had been reached among the sponsors of the various draft resolutions before the Committee. The compromise draft which had just been submitted was, however, incomplete; since the question of the composition of the Special Committee had raised difficulties during the negotiations, Ghana was proposing the following amendment designed to overcome them: operative paragraph 3 of part A of draft resolution A/C.6/L.585 and Add.1 should be replaced by the following:

"Decides to constitute a Special Committee composed of the members of the Special Committee (1964) as indicated in documents A/5689 of 17 February 1964 and A/5727 of 26 August 1964, to which the four following countries would be added: two countries from Africa, one from Latin America and one from Asia."

That would ensure a more equitable proportional representation of the different parts of the world in the Committee.

16. He further proposed that operative paragraph 6 should state that the Special Committee would meet at Geneva.

17. Mr. FULCI (Italy) welcomed the very satisfactory compromise which the sponsors of the various previous draft resolutions had worked out. Their views had differed essentially on three points.

18. With regard to the first point, his delegation felt that it was advisable to enlarge the Special Committee, but not to such an extent that it was difficult to work under practical conditions. As for the question of a consensus, his delegation was satisfied with the solution provided in the joint draft resolution. With regard to the Special Committee's terms of reference, he was pleased to note that the value of the work accomplished in Mexico City had been recognized and that the draft resolution had implicitly made a distinction between the two principles on which agreement had been reached and the five other principles.

19. For all those reasons, his delegation would vote for the joint draft resolution.

20. Sir Kenneth BAILEY (Australia) said he wished to join in the tribute paid to the efforts which the various sponsors had made, on the initiative of the Chairman and the Legal Counsel, to reach an agreement on all points. The question of the Special Committee's composition was the only one on which the Sixth Committee was still divided. If the amendments proposed by Ghana were put to the vote, delegations would have to have an opportunity to explain their votes at the proper time. He also requested a separate vote on the part of the Ghanaian amendment to operative paragraph 3 which concerned the addition of four new members to the Special Committee.

21. Mr. POTOČNY (Czechoslovakia) said that his delegation and other sponsors of the joint draft resolution, including Poland and Romania, accepted the Ghanaian delegation's amendments. He would vote for the two amendments.

22. Mr. MELO (Chile) said that he recognized the need to enlarge the Special Committee, which would find it easier to take decisions if it had thirty-one members instead of only thirty. Before taking a definite position, however, he would like to know the results of the negotiations on the question.

23. The CHAIRMAN pointed out that his private consultations on the question of whether or not the Special Committee should be enlarged, and, if so, whether there should be two, three or four new members, had unfortunately not led to the adoption of a generally acceptable formula.

24. Mr. ANDRIAMISEZA (Madagascar) said that the text of the joint draft, on which the various groups had worked closely together, reflected the views of most delegations, including his own. In particular, part B faithfully reflected Madagascar's views, and his delegation therefore wished to become a co-sponsor.

25. His delegation, which had discussed the question of geographical distribution in an earlier statement, was in favour of enlarging the Special Committee and

therefore endorsed the Ghanaian amendment on the matter.

26. The CHAIRMAN announced that the Malagasy delegation had joined the list of sponsors of the joint draft resolution.

27. Mr. EL REEDY (United Arab Republic) said that he fully supported the joint draft resolution for the following reasons. First, it clearly emphasized the need to complete the formulation of the seven principles, as favoured by his delegation, which had always felt that the General Assembly should clearly define the aims implicit in those principles. Secondly, the text which had been submitted did not seek to limit the Special Committee's freedom of action, but permitted it to determine its own procedure and working methods. Thirdly, it was provided that the question should be dealt with in its entirety. Since the Special Committee which had met in Mexico City had reached agreement on the principle of sovereign equality, the new Committee would endeavour to amplify that principle and then to formulate all seven principles, with a view to the adoption of a draft declaration. Finally, although his delegation appreciated the contribution made by the members of the previous Special Committee, it felt that the composition of the new Committee should reflect the attainment of independence by new States. It therefore endorsed the Ghanaian amendment to that effect as well as the one relating to operative paragraph 6.

28. The Secretariat's work on methods of fact-finding should, of course, be continued. So that he could support the draft resolution submitted by the Netherlands representative (A/C.6/L.580), however, he would request the latter to delete the fifth preambular paragraph, which seemed to prejudge the results of the studies which were to be made on the question.

29. Mr. STAVROPOULOS (Legal Counsel) said that he would like to provide some information on the financial implications of the second Ghanaian amendment. A meeting of the new Special Committee in 1966 in New York would not entail any supplementary expenditure. On the other hand, if the Committee met at Geneva and the session lasted seven weeks, the expenses would amount to \$117,000 if the session was held in February and March and \$137,000 if it was held in March and April. It was impossible to give a precise estimate of the costs that would be incurred if the Special Committee was invited by a Member State to meet in another city. They should be defrayed by the Government of the State concerned in conformity with General Assembly resolution 1202 (XII), as the Mexican Government had done in the case at the session held at Mexico City.

30. Mr. TUKUNJOBA (United Republic of Tanzania) said that the Ghanaian amendment was a useful addition to the joint draft resolution, since the countries of Asia, Africa and Latin America were not properly represented in the Special Committee. The principle of geographical distribution had been affirmed in resolution 1815 (XVII), in which the General Assembly had set up the earlier Special Committee; since at the present time the Member States from Africa, Asia and Latin America numbered respectively thirty-

six, twenty-four and twenty-one, it was essential that the Special Committee should have at least four more members, i.e., two African countries, one Asian country and one Latin American country. An increase of only three members would not be acceptable, particularly since in that case it would be difficult to ensure the proper distribution. Some representatives had commented that if the Committee had too many members, it might be hampered in its work; however, the presence of a single additional member should not greatly complicate its task. It should also be borne in mind that it would be difficult for the Special Committee to achieve results if its composition was not truly representative.

31. Mr. FARTASH (Iran) said that he would not oppose the first Ghanaian amendment if it was put to the vote. In that event, however, the Sixth Committee would be asked to establish a Special Committee, twenty-seven of whose members were known and four still unknown. Since the Chairman would be called upon to designate the four countries in question if it was decided to increase the Special Committee's membership to thirty-one, it would be desirable for him to indicate at once which those four countries would be and what the situation would be if the amendment was rejected or if it was decided to add only three members to the Committee.

32. Mr. MAMERI (Algeria) said that the Committee should not take too hasty a decision as it was concluding its work. It was essential to maintain the spirit of co-operation and understanding which had inspired its members so far, for the question was of the utmost importance. Although the drafting committee had achieved satisfactory results in drawing up a joint text, the latter was incomplete on one essential point: the composition of the new Special Committee. His delegation favoured the Ghanaian amendment and appealed to all delegations to enable the Committee, at the conclusion of the present discussion, to adopt a unanimous decision which would augur well for the successful results which everyone expected to emerge from the Special Committee's work.

33. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that, at the conclusion of any debate, a decision must be taken; in his view the Committee had delayed all too long in the present case. He therefore requested that the Committee should proceed to the vote.

34. Mr. WERSHOF (Canada) said he had hoped that the consultations held before the meeting would have made it possible to reach agreement on the membership of the Special Committee. The Committee now had before it an amendment which his delegation for one was not prepared to accept. In his opinion, representatives who had criticism to make should be given an opportunity to do so.

35. His delegation had always considered a membership of twenty-seven too large for the Special Committee, and it therefore believed that any further increase would be inappropriate. The members of the Special Committee had been appointed by the President of the General Assembly after the adoption of resolution 1966 (XVIII) establishing that Committee.

The principle of equitable geographical distribution had been observed and there was no need to provide for four more members. His delegation had been prepared to accept the addition of three members as a fair compromise between the two initial positions. The motion submitted by the Australian representative, under rule 130 of the rules of procedure, for a separate vote on that part of the Ghanaian amendment seemed to him quite sound; if there were no objections to the motion, the question could be quickly settled.

36. If the majority of members of the Committee wished the Special Committee to meet at Geneva, his delegation would not object. Nevertheless, it would prefer the Special Committee to meet at United Nations Headquarters, since that was the less expensive arrangement. He would like to know whether the proposal made by the Afghan representative was a formal one and constituted an amendment.

37. Mr. SINCLAIR (United Kingdom) observed that the eighth preambular paragraph of the draft resolution merely reiterated the wording of operative paragraph 5 of General Assembly resolution 1966 (XVIII); he hoped the Afghan representative would not press his proposal to the vote, as that might jeopardize the results of long negotiations.

38. Mr. SIDKY (Afghanistan) withdrew his proposal.

39. Mr. VAN GORKOM (Netherlands) announced that, in response to the appeal made by the United Arab Republic delegation and in the hope of obtaining broader support, he was deleting the fifth preambular paragraph from his draft resolution (A/C.6/L.580).

40. In reply to a question from Mr. WYZNER (Poland), Mr. VANDERPUYE (Ghana) explained that the last part of his amendment to part A, operative paragraph 3, of draft resolution A/C.6/L.585 and Add.1 should read "to which the four following countries would be added ...", it being understood that, if the text was adopted, the Chairman of the Sixth Committee, before transmitting the draft resolution to the plenary Assembly, would appoint the four countries in question in accordance with the geographical distribution suggested by the Ghanaian delegation.

41. Mr. WYZNER (Poland) thought it preferable that the Special Committee should meet at Geneva. However, in order not to rule out in advance the possibility that the Special Committee might be invited to meet in another country, he proposed that the Ghanaian amendment to operative paragraph 6 should be expanded by the insertion, after the word "Geneva", of the words "unless an invitation acceptable to the Special Committee is received from a Member State".

42. Mr. STAVROPOULOS (Legal Counsel) observed that the Special Committee would not really exist as such until its first meeting, and so it would not be able to act in time on any such invitation. The best course, therefore, would be for the Secretariat, in the unlikely event of an invitation being received, to bring the matter directly to the notice of the Governments represented on the Special Committee.

43. Mr. VANDERPUYE (Ghana) withdrew his amendment to operative paragraph 6 in view of its financial implications.

44. The CHAIRMAN observed that that withdrawal automatically eliminated the Polish proposal, which was a sub-amendment to the Ghanaian amendment to operative paragraph 6.

45. Mr. BEEBY (New Zealand), supported by Mr. ROGERS (United States of America) and by Sir Kenneth BAILEY (Australia), proposed that operative paragraph 6 should read: "Requests the Special Committee to meet at United Nations Headquarters as soon as possible ...".

46. Mr. POTOČNY (Czechoslovakia), supported by Mr. WYZNER (Poland), reintroduced as his own proposal the Ghanaian amendment to operative paragraph 6, with the Polish sub-amendment; accordingly, he proposed that operative paragraph 6 should read as follows: "Requests the Special Committee to meet as soon as possible at Geneva (unless an invitation acceptable to the Special Committee is received from a Member State) and to ...".

47. Sir Kenneth BAILEY (Australia) said that he wished to explain his vote on the second part of the Ghanaian amendment to operative paragraph 3.

48. As a sponsor of draft resolution A/C.6/L.575 and Add.1, Australia had proposed that the Special Committee's membership should remain unchanged. During the subsequent informal negotiations, Australia had been willing to accept some enlargement of the membership, but the enlargement proposed in the Ghanaian amendment would result in an Afro-Asian participation in the Special Committee which would be out of proportion to the equitable geographical distribution which the General Assembly observed in constituting bodies of that kind.

49. His delegation would therefore vote against the second part of the Ghanaian amendment and, if it was adopted, would abstain from voting on the amendment as a whole.

50. Mr. HAMID (Ethiopia) said that for a number of delegations, including his own, acceptance of the joint draft resolution had been conditional upon the conclusion of an agreement on the Special Committee's membership: if the Ghanaian amendment to operative paragraph 3 was rejected, the Sixth Committee might have to reopen consideration of the four separate draft resolutions which had come before it.

51. The CHAIRMAN invited the Committee to vote on the Ghanaian amendment to operative paragraph 3

of draft resolution A/C.6/L.585 and Add.1. He would ask members to vote separately on the second part of the amendment, i.e. the words "to which the four following countries would be added ...".

The second part of the amendment was adopted by 52 votes to 18, with 4 abstentions.

The amendment as a whole was adopted by 58 votes to none, with 16 abstentions.

52. The CHAIRMAN put to the vote the Czechoslovak amendment to operative paragraph 6.

The amendment was rejected by 31 votes to 16, with 24 abstentions.

53. The CHAIRMAN considered that that vote signified acceptance of the New Zealand proposal. He therefore put to the vote draft resolution A/C.6/L.585 and Add.1 as a whole, as amended by Ghana and New Zealand.

Draft resolution A/C.6/L.585 and Add.1, as amended, was adopted unanimously.

54. The CHAIRMAN put to the vote draft resolution A/C.6/L.580.

Draft resolution A/C.6/L.580 was adopted by 59 votes to none, with 10 abstentions.

Completion of the Committee's work

55. Mr. AMADO (Brazil), Mr. MONOD (France), speaking on behalf of the Western European countries, Canada, Australia and New Zealand, Mr. CHKHIKVADZE (Union of Soviet Socialist Republics), speaking on behalf of the socialist countries, Mr. BEN ARFA (Tunisia), Mr. ROGERS (United States of America), Mr. MELO (Chile), speaking on behalf of the Latin American countries, Mr. N'DIAYE (Mali), speaking on behalf of the African countries, Mr. S. N. SINHA (India), speaking on behalf of the Asian countries, Mr. NACHABE (Syria), speaking on behalf of the Arab countries, Mr. FLITAN (Romania) and Mr. ALCIVAR (Ecuador), Rapporteur, extended the customary thanks to the Chairman, the Legal Counsel and his staff and the members of the Secretariat.

56. The CHAIRMAN thanked the representatives who had spoken. He declared the proceedings of the Sixth Committee closed.

The meeting rose at 2.45 p.m.

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