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MEETING

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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) 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/5937)

1. Mr. BLIX (Sweden), Rapporteur of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, replying in greater detail to the question put by the Iranian representative at the 871st meeting why the Special Committee had adopted its decision

on the principle of the non-use of force after a vote, although it seemed generally to have operated by consensus, said that the Special Committee had never formally decided to work by consensus, and in procedural matters such as that mentioned by the representative of Iran it had in fact taken votes several times. In contrast, the Drafting Committee, set up by the Special Committee under the resolution recorded in paragraph 12 of the Special Committee's report (A/5746), had operated by consensus, and although the Special Committee had never taken any formal decision to accept the conclusions of the Drafting Committee and to make them part of its own conclusions, it had not, in fact, attempted to adopt by a majority vote any conclusion on which there had not been a consensus in the Drafting Committee. In the case of the principle of the non-use of force, however, the procedure had been somewhat more complicated, because two papers of conclusions had been submitted by the Drafting Committee on that principle and only one of them could be adopted by the Special Committee.

2. The representative of Iran had also asked why the report of the Special Committee did not explain why priority had been given to one of those papers in the voting. The answer was that accounts of discussions on procedural matters had consistently been omitted from the report as they were considered to be less interesting in retrospect than discussions on the substance. The reasons why some delegations had voted for and others against paper No. 2 were to be found among the explanations of vote in paragraphs 109 and 127 of the report, while a summary of the brief discussion on the question of priority which had preceded the vote was to be found in the summary record of the 42nd meeting of the Special Committee.

3. Mr. FARTASH (Iran) thanked the Rapporteur of the Special Committee for his explanation, which was of interest to all members of the Committee, specially those who had not been in Mexico City.

Organization of work

4. The CHAIRMAN said that he wished to consult the Committee regarding the possibility of setting up a working group to facilitate and accelerate the Committee's work. He had already discussed the matter with various delegations, and the general opinion seemed to be that only one working group—namely, on the right of asylum—should be set up.

5. Mr. HASLE (Denmark) supported the proposal to set up a working group on the right of asylum and suggested that the Chairman should be a member of that group.

6. Mr. DELGADO (Colombia) said that he fully agreed with the proposal and wished to suggest that the Chairman should be authorized to appoint the members of the working group.

7. Mr. ALVAREZ (Nicaragua) said that he too supported the proposal and thought that the Chairman should bear the various regional and geographical groups especially in mind when appointing the members of the working group. He proposed that the representation of the Central American region should be entrusted to the representative of Costa Rica.

8. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation had no objection to setting up a working group, which might help the Committee to carry out its work more effectively and speedily. It was most important that the working group should be representative in every way, and he wished to place on record that he fully expected the Chairman of the Sixth Committee to take full account of the principle of equitable geographical and other representation and to hold full consultations with the members of the Committee before taking action.

9. Mr. ROSENNE (Israel) agreed with the representative of Cuba.

10. The CHAIRMAN said that in the light of what appeared to be the general opinion of the Committee he suggested the establishment of a working group on the right of asylum consisting of fifteen members.

It was so decided.

11. The CHAIRMAN noted that working groups usually appointed from among their members a Chairman who also served as Rapporteur. He wished to assure the members of the Committee that he was always at their disposal as far as the working group was concerned.

12. He also wished to consult the Committee regarding the possibility of filling the gap which sometimes occurred at the beginning of the discussion of a new agenda item, when there was a shortage of speakers, by discussing short individual items on the Committee's agenda. As there were at present few speakers on the agenda item before the Committee, he suggested that members of the Committee should prepare themselves to discuss agenda item 103 "Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations".

13. Mr. SINCLAIR (United Kingdom) said that he fully agreed with the Chairman's suggestion. It would be useful and in the interests of the Committee as a whole if the periods of shortage of speakers which sometimes occurred at the beginning of the discussion of an item could be used to discuss other short items. He urged that a decision be taken on the matter as soon as possible, for it was at the present moment that such a decision could be of the greatest value.

14. Mr. KRISPIS (Greece) asked whether there were any documents on the item suggested by the Chairman.

15. The CHAIRMAN said that document A/5973 dealt with the item in question. He formally suggested that the Committee should discuss agenda item 103 at times when there were few or no speakers on the item at present before it.

It was so decided.

16. Mr. USTOR (Hungary) said that agenda item 92 "Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade", was of particular interest to his delegation, which had prepared two papers on it. He understood that the United Nations Secretariat had also prepared an exploratory memorandum on that item, and he asked if it would be possible for that memorandum to be circulated, together with any other relevant documents.

17. Mr. KRISPIS (Greece) supported the Hungarian representative's suggestion.

18. Mr. STAVROPOULOS (Legal Counsel) remarked that the item in question had some novel aspects, as it dealt with private international law rather than the public international law with which the Committee was usually concerned. The document referred to by the Hungarian representative was, as its name implied, purely an exploratory study made for the Secretariat's own use, but the Secretariat would be only too glad to circulate it to the members of the Committee if it could be of service to them.

19. The CHAIRMAN recalled that he had at one time thought of suggesting the establishment of a working group for that item, but had given up the idea when it had been decided to set up only one working group during the whole session. The document referred to would, of course, be circulated forthwith.

The meeting rose at 3.50 p.m.