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SIXTH COMMITTEE, 1280th MEETING

Friday, 12 November 1971, at 11 a.m.

NEW YORK

Chairman: Mr. Zenon ROSSIDES (Cyprus).

AGENDA ITEM 88

Report of the International Law Commission on the work of its twenty-third session *(concluded)* (A/8410 and Add.1 and Add.1/Corr.1 and Add.2, A/C.6/L.821, A/C.6/L.822, A/C.6/L.826)

1. The CHAIRMAN invited the Committee to take a decision on draft resolution A/C.6/L.826, and said that Egypt, the Central African Republic and Tunisia had joined the sponsors of the draft. Delegations wishing to explain their votes could do so before the ballot.

2. Mr. NEUMAN (Argentina) said that in his delegation's view the wording of section III of the draft resolution, concerning the question of protection of diplomats, left much to be desired. His delegation had had occasion to express its views on that subject elsewhere, particularly in the Organization of American States. However, in a spirit of conciliation it would vote for the draft as a whole. If section III were put to the vote separately, it would abstain from the vote on that part.

3. Mr. SETTE CÂMARA (Brazil) said that his delegation had already emphasized (1261st meeting) the importance it attached to the problem of crimes perpetrated by terrorists and the need for international co-operation to repress those crimes. However, it did not feel that partial solutions such as that envisaged in section III of the draft resolution, which was designed essentially to protect diplomats, were sufficient to deal with the problem. But since the question appeared in a general draft resolution under item 88 of the agenda, and the International Law Commission could decide as to the priority to be given to the examination of that question, his delegation in a spirit of conciliation would vote in favour of the draft.

4. Mr. FRANCIS (Jamaica) said he would like to make an express reservation concerning paragraph 4 *(c)* of section I of the draft resolution. His delegation had already had occasion to state (1259th meeting) that in its opinion the study of the most-favoured-nation clause came clearly within the terms of reference of the United Nations Commission on International Trade Law and that the International Law Commission had no call to continue its study of that question. His delegation was in favour of the draft resolution as a whole, and therefore requested that a separate vote be taken on the subparagraph in question, in which case it would abstain from the vote on that point.

5. Mr. ALVAREZ TABIO (Cuba) said that while his delegation had no objection to make in regard to the preamble and operative sections I and II of the draft resolution, it had very serious reservations to make in respect of section III. First of all, as far as the problem of priorities was concerned, the provision of sections I and III contradicted each other, and the priority examination of the question of protection of diplomats would be tantamount to postponing still further the question of State succession and State responsibility.

6. His delegation considered that the protection of diplomats, far from being an urgent and vital issue, was entirely superfluous. The inviolability of diplomatic agents was already the subject of several international conventions, all of them placing the responsibility on the host State for protecting diplomatic agents accredited to it. A new convention providing merely for repressive measures was no reply to the economic, social and political causes underlying the kind of violence it was proposed to eliminate. The proposed new convention would in the long run have a harmful effect, since its repressive nature would stimulate rather than suppress violence, and at the same time it would be ineffective, since States would have difficulty in accepting it. Some States were reluctant to interfere with the right of asylum, which they considered justified, and others were anxious that their domestic jurisdiction should not be whittled away. A new convention would likewise be altogether incapable of staying the tide of revolutionary violence which was causing havoc to the Establishment in many countries, unless an inter-American peace force was set up and the Cuban delegation for one regarded that as unacceptable.

7. At best, the new convention could only serve as an instrument of political propaganda or a pretext for increasing repression, without in any way solving the problem. Hence, the Cuban delegation formally requested a separate vote on section III of the draft resolution.

8. Mr. ARYUBI (Afghanistan) proposed that in the English text of section I, paragraph 5, the word "should", which seemed unduly peremptory, be replaced by "may".

9. Mr. DELEAU (France), referring to section II of the draft resolution, said that his delegation had already expressed reservations on the draft articles on the representation of States in their relations with international organizations and had declared itself in favour of convening an international conference to look into the question (1258th meeting). With regard to the question of protection of diplomats, dealt with in section III, his delegation's opinion was that a solution to the problem depended largely on the application of the measures already in force. However, in a spirit of compromise the French delegation would vote in favour of the draft.

10. Mr. SINGH (India), replying to the statement just made by the representative of Jamaica, said that the question of the most-favoured-nation clause was mainly one of public international law, a subject on which the Commission had already done valuable background work. It would therefore be unfortunate if the question had to be referred to the United Nations Commission on International Trade Law which already had an overloaded programme.

11. He supported the amendment just suggested by the delegation of Afghanistan.

12. Mr. MTANGO (United Republic of Tanzania) said that his delegation had two reservations to make in regard to the draft resolution. On the subject of section I, paragraph 5, his delegation doubted whether the topic of the law on the non-navigational uses of international watercourses could be usefully examined by the Commission; it should rather be dealt with in the context of bilateral treaties concluded by the riparian States themselves. With regard to section III, his delegation approved the statement just made by the Cuban delegation, and also asked that section III be made the subject of a separate vote, on which it would abstain.

13. Mr. GONZALEZ LAPEYRE (Uruguay) said that his delegation had withdrawn its draft resolution (A/C.6/L.825) in a spirit of compromise, and joined the Cuban and Tanzanian delegations in calling for a separate vote on section III of draft resolution A/C.6/L.826; it also asked for the vote to be taken by roll-call.

14. Mr. YASSEEN (Iraq) said that the translation of the words "entitled to" in section III, paragraph 2, by "pouvant prétendre" in the French version did not seem to him to be satisfactory.

15. After an exchange of views in which the CHAIRMAN, Mr. DELEAU (France), Mr. CASTREN (Finland) and Mr. MARTÍNEZ MORCILLO (Spain), took part, Mr. ENGO (Cameroon) said that it might be useful simply to delete the word "should" from the English text of section I, paragraph 5, of the draft resolution, thus bringing into line the English, French and Spanish texts.

16. The CHAIRMAN said that if there was no objection he would take it that the Committee agreed to the deletion of the word "should" from section I, paragraph 5, of the draft resolution.

It was so decided.

17. The CHAIRMAN put draft resolution A/C.6/L.826 to the vote.

At the request of the representative of Jamaica, a separate vote was taken on section I, paragraph 4 (c) *of the draft resolution.*

Paragraph 4 (c) *was adopted by 76 votes to none, with 7 abstentions.*

At the request of the representatives of Cuba, the United Republic of Tanzania and Uruguay, a separate vote was taken–and at the request of Uruguay by roll call–on section III of the draft resolution.

Luxembourg, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Madagascar, Malawi, Malaysia, Mexico, Nepal, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Sierra Leone, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Afghanistan, Australia, Austria, Belgium, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Greece, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic.

Against: Cuba.

Abstaining: Mali, Mongolia, Morocco, Singapore, Uganda, United Republic of Tanzania, Yugoslavia, Zambia, Argentina, Brazil, Ghana, Guatemala, Guinea.

Section III was adopted by 70 votes to 1, with 13 abstentions.

The draft resolution as a whole, as amended, was adopted by 82 votes to none.

18. Mr. ALVAREZ TABIO (Cuba), explaining his vote, said he had voted in favour of the draft resolution as a whole on the grounds that it contained a large number of forward-looking provisions. That did not mean that his delegation had withdrawn its objections to section III; it wished to stress that the importance of the questions referred to in section I, paragraph 4 would make it impossible for the Commission to give priority to consideration of the subject-matter of section III of the text.

AGENDA ITEM 90

Review of the role of the International Court of Justice *(continued)* (A/8382 and Add.1-4, A/C.6/407)

19. Mr. ALVAREZ TABIO (Cuba) considered that in view of the important role assigned to it by the Charter, it was essential that the International Court of Justice should act in full conformity with the Charter and with its Statute. Judicial settlement was only one method of peaceful settlement of the disputes described in Article 33 of the Charter, and in his delegation's opinion the right of States to choose any of those means of settling their disputes should be safeguarded.

20. The replies to the Secretary-General's questionnaire on the role of the Court (see A/8382 and Add.1-4) showed that there were two opposing schools of thought: one considered that it was essential to strengthen the Court, extend its competence and proclaim the principle of its

compulsory jurisdiction in all inter-State disputes, which would necessarily involve amendment of the Charter; the other recognized the importance attached by the Charter to the judicial settlement of disputes but stressed that that had not always been the most effective procedure and that States' freedom of choice should be preserved in accordance with Article 33 of the Charter. In support of the latter thesis, his delegation recalled that the Court had recently made some unfortunate decisions. That was due to the fact that certain trends in present-day legal thinking were not well represented in the Court and that the Court had incorporated in its jurisprudence certain practices which were now obsolete. It was therefore essential that the composition of the Court should be more representative of the different trends of modern legal thought than it was at present.

21. His delegation considered that the principle of the optional jurisdiction of the Court was in keeping with the sovereign equality of States. The difficulties that the Court was facing at present did not call for any new measures, only for the stricter application of the Charter and the Statute of the Court. His delegation was therefore opposed to the proposal to set up an *ad hoc* committee to review the role of the Court with a view to increasing its effectiveness.

Mr. Klafkowski (Poland), Rapporteur, took the Chair.

22. Mr. OTSUKA (Japan) said that the peaceful settlement of disputes, based on the application of the rule of law, was an essential part of an international order capable of safeguarding peace. The International Court of Justice was at present the most important institution available to the international community for the judicial settlement of disputes. It was most unfortunate therefore that despite the vital role assigned to it by the authors of the Charter, the Court had proved unable to fulfil the hopes initially placed in it.

23. The replies to the Secretary-General's questionnaire on the role of the Court all stressed the importance of the Court and regretted its inactivity. As was clear from the report under consideration and the debate which had taken place in the Sixth Committee during the twenty-fifth session of the General Assembly, the difficulties now being faced by the Court had a variety of causes. His delegation wished to make some observations on a number of points to which it attached particular importance.

24. A number of States had commented that the procedure under Article 25 of the Statute whereby the full Court should sit except when expressly provided otherwise had been a matter of concern to various Governments and indeed had often been an obstacle to proceedings before the Court. It should not be forgotten, however, that Articles 26 and 29 of the Statute provided for the possibility of setting up chambers for dealing with particular categories of cases and chambers for hearing and determining cases by summary procedure; yet during the past 25 years States had never made use of those possibilities, and his delegation considered that it was essential to find out the reasons for that state of affairs and to remedy it.

25. It had been said that universal acceptance by States of the compulsory jurisdiction of the Court would improve the Court's effectiveness. But the fact was that the number of States which had accepted the optional clause on compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute had declined in relation to the total number of States parties to the Statute. There again the causes of the situation should be ascertained and the necessary measures taken to eliminate or at least lessen the aversion that some States seemed to entertain towards the judicial settlement of disputes. His delegation could not share the view that acceptance by States of the Court's compulsory jurisdiction would be contrary to Article 33 of the Charter; it was precisely in the event of failure of the other methods of settlement referred to in that Article or of the inability of the parties to a dispute to reach agreement on one of those methods of settlement that acceptance by States of the compulsory jurisdiction of the Court would be particularly useful.

26. In view of their increasingly important role, his delegation considered that the international organizations should be given the possibility of appearing before the Court in contentious cases. It would, in fact, have no objection to the inclusion of new international organizations and regional organizations on the list of organizations authorized to request advisory opinions of the Court, provided the organizations were carefully selected. His delegation also supported in principle the proposal to allow States to request advisory opinions of the Court; there, too, the greatest caution should be exercised, since such a measure could have dangerous repercussions on the Court's contentions jurisdiction.

27. It had also been suggested that States' reservations concerning the Court were in part due to the slow procedure in cases before it. The Court had been criticized for too readily granting postponements under Article 43, paragraph 3, of its Statute and article 38 of its Rules. In many instances, delays in dealing with cases brought before the Court were due to the parties themselves. It had also been stated that the delay in dealing with certain cases was due to the Court's practice of reserving its decision on preliminary exceptions and attaching them to the substance of the issue. However, that practice usually could be explained by the fact that questions of jurisdiction often appeared in forms which made it very difficult to consider them independently of the substance of the case. Other criticisms were that the lengthiness of cases was often due to the procedure laid down in Article 41, paragraph 2, of the Statute. That procedure was at present being studied by the Court and might be modified. His delegation recognized that it would be useful to take steps to speed up the procedure of the Court, since it was in the interests of international justice that disputes submitted to the Court should be settled without undue delay.

28. The costs to the parties bringing a case before the Court had often been cited as an obstacle to more frequent recourse to the Court. At the twenty-fifth session of the General Assembly his delegation had proposed at the 1210th meeting of the Sixth Committee that the United Nations should bear part of the cost. It might also be useful if the Organization were to draw up a list of qualified international jurists who could be selected if necessary by States to appear for them, the costs to be paid out of a fund set up for that purpose.

29. Japan believed in the principle of peaceful settlement of disputes and had always taken an active part in efforts to strengthen the role of the Court within the United Nations system. Many constructive proposals had been made both in the replies of States to the Secretary-General's questionnaire and in the Committee's debates on the subject, and they might usefully be examined by an *ad hoc* committee set up for the purpose and composed of a small number of government experts. Its work would in no way prejudice any pertinent measures which might later be taken by the General Assembly.

30. Mr. RAKOTOSON (Madagascar) said that in his Government's opinion the role of the Court should be strengthened but judicial settlement should be limited to important cases which it had not been possible to settle by political methods of settling disputes, direct and friendly agreement, conciliation, mediation or arbitration. That position was consistent with the provisions of Article 33 of the Charter.

31. The effectiveness of any jurisdiction depended on certain factors relating to the jurisdiction itself and on certain factors relating to the parties. That was also true in the case of the Court.

32. Among the elements which depended on the Court, the first was the question of the competence and objectivity of the judges, a matter closely associated with the question of their election and term of office. His Government favoured electing judges for a non-renewable term of office, since that would permit more equitable national representation and at the same time constitute an additional guarantee of the judges' independence. It also believed that there were grounds for suppressing the institution of judges *ad hoc* provided for in Article 31, paragraph 2, of the Statute, or at least for recommending that the parties to the case voluntarily waive their right to exercise that option.

33. The second element depending on the Court was the law to be applied, and the fact that uncertainty on that score served to increase the misgivings of States. The Court should therefore strive to clarify the issue, and the United Nations, for its part, could assign a more important role to the International Law Commission in the matter.

34. The third element concerned the Court's jurisdiction, its procedure and its methods of work. The fact that the acceptance of the Court's jurisdiction was purely optional under Articles 33 and 95 of the Charter was one of the main obstacles to strengthening its role. In that connexion, his Government considered that the most effective step possible at present would be to encourage the implementation of General Assembly resolutions which invited States to adopt the optional clause of compulsory jurisdiction in international agreements and treaties; it welcomed the fact that a number of Governments had announced their readiness to extend to international or intergovernmental organizations the option of initiating proceedings before the Court; it believed that the advisory procedure could be broadened to include regional organizations.

35. With regard to the slowness of procedures and the high cost and delays which resulted, his Government believed that resort to chambers, under Articles 26 and 29 of the Statute would help to speed up the administration of justice and that the list of cases enumerated in Article 26 was not restrictive. Machinery could be set up to safeguard the unity of international jurisprudence. On the other hand, his Government was not in favour of setting up permanent regional chambers, since that would only reinforce the sterile trend towards the proliferation of specialized international and interregional tribunals.

36. However, the activity of a court depended also on the co-operation of the litigants, for whom the problem was to know first of all whether the losing party would comply voluntarily with the decision handed down, and secondly whether, if there was no voluntary compliance, there were appropriate ways of compelling that party to implement the decision. Conditions did not seem to be conducive to confidence among States, which were still too much imbued with a sense of their own sovereignty to comply readily with the decision of a supranational tribunal. Thus the uncertainty of voluntary implementation made it necessary to consider the question of enforcement. But the latter course involved recourse to the Security Council under Article 94 of the Charter, which likewise raised the matter of the effectiveness of the Security Council.

37. While hoping that the Court would successfully conclude the revision of its Rules, his delegation was convinced that the international judicial machinery could only be safeguarded by an increasingly enlightened attitude on the part of all, and felt that the procedure employed hitherto for the General Assembly's consideration of the question should be continued.

38. Mr. GARCIA BAUER (Guatemala), after reviewing the background of the question of the Court's role, said that the Secretary-General's excellent report showed clearly that a constructive solution would probably prove elusive, and that it would therefore be advisable to entrust the study of the question in depth to an *ad hoc* committee. His country attached great importance to the International Court of Justice, which, as the principal judicial organ of the United Nations, should make a strong contribution not only to the maintenance of juridical order but also to the development of international law. That was indicated clearly in the Charter, which in the various provisions devoted to the Court had conferred on it powers never previously enjoyed by any international tribunal. Yet few cases were submitted to the Court, either because it failed to inspire confidence in States or because States were less and less willing to act in conformity with the rules of international law. The debates at the twenty-fifth session, the observations of Governments, and the current debate, pointed to what might be done to remedy that state of affairs, in particular with regard to the Court's structure and functioning, the law to be applied, and the widening of access to its jurisdiction. His Government's views were expressed in its replies to the Secretary-General's questionnaire, but three points deserved special emphasis.

39. Firstly, his delegation considered that the international juridical order could be improved, and the role of the Court enhanced, by the incorporation in treaties concluded by Member States and international organizations of provisions stating the extent of the Court's

jurisdiction with regard to their interpretation and implementation. A recommendation by the General Assembly to that effect would be welcome.

40. Secondly, he joined with those delegations which recognized the useful role of judges *ad hoc*. Because of their special knowledge of the regional conditions or the facts submitted to the Court, a judge *ad hoc* could at times be of great service to the Court. Furthermore, the presence of a judge chosen by the parties was apt to give the States concerned greater confidence.

41. Thirdly, his country believed that international organizations should be afforded the possibility of instituting proceeding before the Court. It was noteworthy, in that connexion, that when the Statute was drawn up, the era of international organizations was in its infancy; the number of international organizations had greatly increased since that time and the law affecting them had developed as a result.

42. He observed that a choice must be made between measures which required the amendment of the Charter and measures which did not. If the wish was to preserve the Charter in its present form, a careful study had to be made of the various ways by which the Court's role could be strengthened. The obvious thing to do would be to set up an *ad hoc* committee, provided it had the co-operation of the Member States and of all concerned, and that it was given sufficient time. The *ad hoc* committee should be composed of government representatives rather than experts.

Mr. Rossides (Cyprus) resumed the Chair.

43. Mr. LOOMES (Australia) said that there were many laudable suggestions in the Secretary-General's report on the review of the role of the Court.

44. He said that proposals to extend the contentious and advisory jurisdiction of the Court seemed attractive but would involve revision of the Statute of the Court, which was not feasible at the moment. On the other hand, Articles 26 and 29 of the Statute outlined procedures which had not so far been used; the responsibility for activating such procedures devolved on States, and the Court could not be held accountable for their failure to do so in the past.

45. The composition of the Court seemed to offer adequate representation of the main forms of civilization and the principal legal systems of the world. Moreover, the judges undoubtedly displayed the high degree of competence and integrity required to discharge their functions.

46. In his delegation's opinion the proceedings of the Court were not expensive. Parties paid only their own counsels' fees and were thus able to control the expenses they would ultimately have to bear. The same could be said about the duration of proceedings before the Court.

47. The root of the problem of the Court was really the conception States had of their own interests. The disinclination to resort to the Court sprang basically from a lack of enthusiasm on the part of States for arbitration or judicial settlement as a means for settling disputes. If that tendency was to be checked, it would be vital to awaken a sense of community on the part of international society and to foster the realization that it was in everyone's interests to prevent legal disputes from turning into trials of power or will.

48. The very essence of a legal dispute was the recognition of rules binding on all parties. It was worth recording, in that connexion, that even in a dispute of an essentially political character, it was often possible to isolate certain legal issues and to submit them to adjudication. That procedure had been followed, for instance, in the *North Sea Continental Shelf* cases. In his delegation's opinion, it was important that States should resort to the Court only when the questions requiring a decision did not involve matters of national security or prestige and did not affect the parties' vital interests. In recent years the Court had suffered too often from the backlash of cases involving highly controversial issues.

49. His delegation would nevertheless consider all reasonable proposals which seemed to be generally acceptable to the Committee. Governments should be allowed more time, however, to reply to the questionnaire or to comment generally on the Court's role. In his opinion, the question at issue was not so much the difficulties confronting the Court as the attitude of the Governments towards the use of established judicial processes for the peaceful settlement of disputes.

50. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said that the replies to the Secretary-General's questionnaire had only served to strengthen his delegation's conviction that there was no point in reviewing the role of the Court or, *a fortiori*, in setting up an *ad hoc* committee. Moreover, only one quarter of Member States had replied to the questionnaire, and the Secretary-General's report showed that it was mainly the Western States which were concerned with the question. What was their objective? When it was borne in mind that the proposals submitted aimed, for example, at the creation of regional chambers and at making the jurisdiction of the Court compulsory for all States, it became quite clear: the real objective was to embark on a revision of the Charter. Priority of judicial settlement, in particular, was contrary to Articles 33, 92 and 95 of the Charter, which conferred on the Court a well defined role in conformity with the role of judicial settlement in relationship to other means of settling international disputes. Those provisions were among the most important in the Charter, because they touched on such basic issues as the maintenance of international peace. His delegation reaffirmed its opposition to any amendment of the Charter or the Statute of the Court. It considered that any initiative in that direction would constitute a hazard to the maintenance of peace; that the relative inactivity of the Court was a result of its own decisions and not of the provisions of its Statute or those of the Charter; and that none of the proposals made could guarantee an increase in the Court's activity. In actual fact, if the Court wished for a recrudescence of activity, it must first regain the confidence of the peoples of the world. Unfortunately, both by its methods of work and by its decisions, the Court had often laid itself open to criticism. Its methods of work could be improved. As for its decisions, they should be assessed not by quantity but by quality and, above all,

having regard to the role conferred on the Court by the Charter. If the rule of force was to be abolished, it would not be through the action of the Court alone but through the whole body of peaceful means for the settlement of disputes. To maintain the contrary would be to overestimate the role of the Court, whereas it was of vital importance to safeguard the respective authority of the various organs of the United Nations.

51. It was important also not to overlook the actual international situation and the current state of political relations among States. The replies from Governments showed clearly that if States were reluctant to bring their disputes before the Court it was because the international community had not yet reached a state of sufficient homogeneity and because the United Nations, in particular, had not been able to settle disputes by means of political decisions. Another reason, which also emerged clearly from the replies, was the fear on the part of States that international law would not meet the genuine needs of the international community as it really was. Some countries had believed that the solution to the problem would be to ask all States to recognize the compulsory jurisdiction of the Court. The Ukrainian SSR was opposed to any endeavour to that end, because it would constitute a threat to the national sovereignty of States and be a step towards turning the Court into a supranational organ, which would be contrary to the provisions of the Charter.

52. With regard to the suggestions for the creation of *ad hoc* chambers, his delegation wished to point out, as the French and Iraqi delegations had done, that that possibility, which was provided for by the Statute of the Court, had never been utilized.

53. All the proposals which had been made for strengthening the role of the Court could be divided into two categories. In the first might be placed those relating to the functions, role and nature of the Court, which tended towards a revision of the Charter and the Statute. His delegation disagreed entirely with those proposals. The second category embraced a number of suggestions for making the procedure of the Court more flexible, reducing the time and cost of its deliberations and possibly changing its composition. There was none better qualified than the Court itself to study those suggestions.

54. As his delegation had stated at the 1218th meeting during the previous session, it was opposed to the establishment of an *ad hoc* committee. It agreed with those delegations which believed that the basic problem lay in restoring the confidence of States in the judicial settlement of international disputes. That, however, was something only the Court could do through its decisions. It would be helpful to that end if the comments made during the debate in the Sixth Committee were transmitted to the Court.

The meeting rose at 1.30 p.m.