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CONTENTS

Chairman: Mr. José María RUDA (Argentina).

AGENDA ITEM 71

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (A/5470 and Add.1 and 2, A/C.6/L.528, A/C.6/L.530, A/C.6/L.531 and Corr.1, A/C.6/L.535, A/C.6/L.537, A/C.6/L.538 and Corr.1, A/C.6/L.539, A/C.6/L.540 and Add.1, A/C.6/L.541 and Corr.1 and Add.1, A/C.6/L.542, A/C.6/L.543) (continued)*

1. Mr. TAMMES (Netherlands) reminded the Committee that at the 803rd meeting, in response to the interest expressed by a number of Governments in the ideas presented by the Netherlands delegation at the seventeenth session and subsequently, he had stated his delegation's detailed views on the establishment of specialized fact-finding bodies as a complementary instrument in the examination of the principles of international law concerning friendly relations and co-operation among States. He had endeavoured to dispel doubts by stressing once again the auxiliary and optional nature of any impartial fact-finding body. His delegation was glad that many others had regarded the question as worthy of closer examination and had referred to it in their statements, while remaining within the limits of the discussion of the principles laid down in General Assembly resolution 1815 (XVII).

2. Since the General Assembly's practice was to express its views in a resolution, the Netherlands Government had presented the essence of its proposals in the form of a draft resolution in its written comments (see A/5470/Add.1). In order to make due allowance for the debate and the change in the procedural situation, it had seemed more fitting to submit a new draft resolution (A/C.6/L.540 and Add.1), drawn up in collaboration with the delegations of Jamaica, Liberia, Mexico, Pakistan and Sweden and which the delegation of Cyprus had expressed the wish to co-sponsor. Little explanation was required. The first preambular paragraph referred to the second principle stated in operative paragraph 3 of resolution 1815 (XVII), which covered most of the subject matter contained in the draft resolution. The second preambular paragraph drew attention to the special significance of the principle of the peaceful settlement of disputes from the point of view of the progressive development of institutions. The third preambular paragraph mentioned inquiry as a fitting subject for a more detailed study of the principle of the peaceful settlement of disputes. The fourth preambular paragraph stated that inquiry, investigation and other fact-finding methods had a wider application than the activities of the United Nations; the fifth preambular paragraph was based on the practical experience acquired by the United Nations and other international organizations as well as on conventions such as The Hague Convention of 1907 for the Pacific Settlement of International Disputes; the sixth preambular paragraph stated a fact confirmed by a number of statements made in the Committee in the course of the debate; and the last preambular paragraph put the institutional aspects of the question in proper perspective and stressed the importance of the complementary and optional nature of any future fact-finding arrangements: it suggested that either an existing organ should assume fact-finding responsibilities or a special international body should be established for that purpose. He wished to stress the essentially preparatory nature of the proposals contained in the three operative paragraphs. The sponsors of the draft resolution did not wish the General Assembly to take any decision on the substance of the question, nor did they wish to prejudge any future arrangements which might be made for fact-finding or for the peaceful settlement of disputes in general. All they wanted, at the present stage of the work, was for the question to be studied further and for Governments to transmit their comments on it in accordance with resolution 1815 (XVII). They would like the General Assembly to request the special committee to be established by draft resolution A/C.6/L.541 and Corr.1 and Add.1 to include the question of the establishment of a special international fact-finding body in its deliberations. They felt that the study of their proposals would not take much of its time and that it was entirely reasonable to stress one aspect of the peaceful settlement of disputes in which many delegations had expressed interest.

3. Mr. YASSEEN (Iraq) pointed out that draft resolution A/C.6/L.541 and Corr.1 and Add.1 represented a compromise between two texts and that the Committee should therefore be very cautious in altering its provisions or introducing any new ideas. In his opinion, the new text had all the elements necessary for a fruitful study of the item under discussion.

4. The third amendment in document A/C.6/L.542 could be divided into two parts: one was intended to make it clear that the special committee should continue the study of the four principles, and the other sought to state the purpose of that study. The first point was implicit in the draft resolution: although the word "study" did not appear, it was obviously

*Resumed from the 829th meeting.

understood. Indeed, it was hard to see how the special committee could draw up a report and make recommendations on the four principles without first having made a thorough study. The second point was ill-advised because the study which the Committee was asking the special committee to undertake was not a purely theoretical one; its task under resolution 1815 (XVII) was the codification and progressive development of the principles. The Committee was perfectly well aware of the meaning of those words. Contrary to the views expressed by some representatives, he did not believe that the Committee had attributed any other meaning to those two phrases than the one given them in the Statute of the International Law Commission. If it had wanted to interpret them in any other way, it would have done so clearly and openly. It should therefore set itself the task of formulating rules of international law and of clarifying the ideas underlying the four principles. To be sure, a study was indispensable, but its purpose should be to formulate provisions which would have the effect of clarifying international law and which could be adopted by the General Assembly or by conferences of plenipotentiaries. The Iraqi delegation was convinced that the Committee's task was to codify the principles, and that they should be studied with that in mind. It did not agree with the United States representative (825th meeting) regarding the difficulties which would have to be overcome before certain principles, in particular, that of non-intervention in the internal affairs of States, could be codified. The task was not an impossible one, provided goodwill prevailed in the international community. There had already been many definitions of non-intervention and there could be many others. Surely, it should be possible to agree on a criterion for detecting intervention, for determining where legitimate diplomatic action ended and unlawful intervention began. All that was needed for that purpose was a little more goodwill on the part of States. It had been argued that the General Assembly had not succeeded in defining aggression. It was not an easy task, but it was not impossible with goodwill. The difficulty lay in accepting the definition. It would therefore be more accurate to say that no one wished to define aggression. The Iraqi delegation could not support the amendments in document A/C.6/L.542 because it considered that they did not go far enough.

5. Similarly, it would not be desirable to adopt the amendment in document A/C.6/L.543 because it went too far. At that stage of the work, the special committee could not immediately be given the task of drafting a declaration of the four principles. That would be asking too much of it. The special committee was free to do what it pleased, but the Iraqi delegation preferred to go no further than draft resolution A/C.6/L.541 and Corr.1 and Add.1 as it stood.

6. His delegation commended the sponsors of draft resolution A/C.6/L.540 and Add.1 for the initiative they had taken under the Netherlands' leadership. The idea of studying the question of international fact-find committees was very valuable, but he was not sure that it would be a good idea to establish a special international fact-finding body inasmuch as it was likely to be very difficult to decide on the composition of such an organ in advance. That difficulty would be eliminated if a court of arbitration were to be set up, because it was easy to find a great many persons with a knowledge of international law. But facts were infinitely more varied than the rules of law. The disputes which would be brought to a fact-finding organ could involve very different sets of facts and it was therefore virtually impossible to select the experts to serve on such an organ in advance. Fact-finding committees should remain ad hoc bodies; they should consist of experts called upon to make decisions solely in disputes within their competence. Of course, the Iraqi delegation recognized the value of fact-finding in the settlement of disputes, but fact-finding committees should, by their very nature, remain essentially ad hoc bodies.

7. Moreover, his delegation could not agree with the proposal in operative paragraph 2 that the results of the Secretary-General's study should be reported to any subsidiary organ that might be established at the eighteenth session, or, in other words, to the special committee suggested in draft resolution A/C.6/L.541 and Corr.1 and Add.1. Not that the question of fact-finding bodies was not within the scope of the principle of the peaceful settlement of disputes, since Article 33 of the Charter specifically mentioned "enquiry", but the special committee should not be asked to study it, because it should enjoy a certain freedom of action and by asking it to make such a study, the General Assembly would seem to be giving priority to the consideration of that particular means of pacific settlement. If draft resolution A/C.6/L.540 and Add.1 were adopted as it stood, that second part of operative paragraph 2 might be interpreted to mean that the Sixth Committee attached particular importance to inquiry whereas, in the opinion of the Iraqi delegation, that means of settlement was no more important than others such as arbitration or conciliation. It had no objection to having the Secretary-General study the question of fact-finding committees, but it could not support the second part of operative paragraph 2 of draft resolution A/C.6/L.540 and Add.1.

8. Mr. BLIX (Sweden) said that at the seventeenth session several delegations had supported the Netherlands proposal and that during the present session a large number of others had again expressed interest in the idea, including the delegations of Algeria, Austria, Bolivia, Colombia, Morocco, Pakistan, Tanganyika, Thailand and Tunisia, to mention only some. Support for the Netherlands proposal, however, should not be confused with approval of the actual establishment of a fact-finding body. Draft resolution A/C.6/L.540 and Add.1 proposed only that during the consideration of means of peaceful settlement of disputes, close attention should be given to the question of the feasibility and desirability of establishing a fact-finding body or of improving existing arrangements. Some speakers had expressed doubts as to the usefulness of such a measure. Nevertheless, it was not impossible that the idea would yield valuable results. It would therefore be natural to adopt a separate resolution to call the attention of the special committee to the matter. That did not mean giving it priority. All that was asked was that the special committee should include the matter in its programme of work; it was logical that the idea should be submitted first of all to the committee which was to be set up. His delegation, which was a co-sponsor of draft resolution A/C.6/L.540 and Add.1, strongly urged the Committee to adopt it.

9. Mr. AMLIE (Norway) explained the reasons which had prompted his delegation to join the sponsors of the amendments contained in document A/C.6/L.542. The United States representative, as a co-sponsor, had already given a clear account of the purpose of those amendments. He would merely add that the first and

second amendments were aimed at giving more prominence than was the case in draft resolution A/C.6/L.541 and Corr.1 and Add.1 to the relation between the starting point of the Sixth Committee's work, namely, resolution 1815 (XVII), the Charter, and the work to be done in execution of the decisions taken at the present session. Perhaps it was a repetition of the preamble to resolution 1815 (XVII), but it would not be the first time that the Sixth Committee had repeated itself. Moreover, the fact that it was repeating itself was of little moment if it meant that it could get a clear view of the task that lay before it.

10. His delegation felt very strongly about the third amendment in document A/C.6/L.542. He stated emphatically that that amendment reflected a basic attitude of his Government in that matter. Norway had taken that attitude for a very long time; it was based on its judgement of what was right and what was wrong, of what was dangerous or safe, possible or impossible. He had already stated that position during the general debate and he wished to repeat it.

11. His Government believed that the Committee should seek all possible means of imporving co-operation and friendly relations among States, including practical solutions. It had interpreted resolution 1815 (XVII) as calling upon the Sixth Committee to study all existing means. It was also convinced that whatever course might be adopted by the Sixth Committee, it must proceed with caution. His delegation agreed that studies of the matter should be carried out between the present and the nineteenth sessions of the General Assembly, and that such studies should be entrusted to a subsidiary body, such as that contemplated in draft resolution A/C.6/L.541 and Corr.1 and Add.1. But the mandate of that subsidiary body should be wide enough for it to study all the aspects of the matter, not only the question of formulating a general declaration of principles. The mandate as proposed in draft resolution A/C.5/L.541 and Corr.1 and Add.1 could not be considered sufficiently wide. In the first place, it did not mention that the special committee was to make a "study". The committee was simply asked to draw up a report taking certain factors into account. Furthermore, since the Secretary-General was requested under operative paragraph 4 of the draft resolution to co-operate with the special committee, he would no doubt submit a report to it. What should the special committee do? Was it to make a report on the report? The representative of Iraq had said that the special committee was implicitly instructed to prepare a study. If that was the case, why not say so clearly?

12. Secondly, the draft resolution provided that the special committee's report should contain recommendations. That ran counter to Norway's attitude. It was too early to make recommendations. The special committee should clarify the existing data and state the possible solutions, but it should not make recommendations. It was for the Sixth Committee to do that at a later stage.

13. If operative paragraph 1 meant that the special committee should make recommendations only for the progressive development and codification of the four principles to be studied, his delegation could not support so narrow a mandate, which would restrict the Sixth Committee's work and distort the meaning of resolution 1815 (XVII). It should also be able to consider other matters. The delegations which had voted for that resolution had wanted practical solutions. But unanimity could not be reached on the principles under examination, which were the most important in the Charter of the United Nations, until the Committee had reached a more advanced stage in its study, and any recommendations which might be made by the special committee would be influenced by that disagreement. As laid down in draft resolution A/C.6/L.541 and Corr.1 and Add.1, the mandate of the special committee would not enable it to deal with the full range of the subject. With such an obscure text, he was afraid that the committee would be submerged in procedural questions and would be unable to produce the slightest positive result when the time came for it to make its report.

14. His delegation had no intention of holding up the progressive development of international law. It understood, of course, that the new States were impatient to reap the tangible fruits of the Sixth Committee's labours and that they fretted over the slow pace of its work. He could assure them, however, that Norway, as a small State, was just as impatient as they to reach a solution of friendly relations among States. But it knew that adequate formulas could be found only by advancing step by step and not by leaps and bounds.

15. The Soviet Union representative had said that the proposed amendments (A/C.6/L.542) seemed like an attempt to stop the world. If the world could be stopped, that could not be prevented by empty declarations and formulas such as those advocated by certain delegations. The force of the Charter lay precisely in the simplicity and flexibility with which its principles were set forth. If the Committee were to adopt hastily a text which suited certain present-day political purposes, it would risk destroying the Charter. But if there was anything which could stop the world, it was perhaps the destruction of the Charter. That, above all, must be avoided.

16. Mr. MILLER (Australia) said that the co-sponsors of the amendments (A/C.6/L.542) regretted that they had had to propose amendments to a text supported by so many States. Despite its great desire to see unanimity reached in the Sixth Committee, his delegation could not support draft resolution A/C.6/L.541 and Corr.1 and Add.1 as worded.

17. The first two amendments had been called "truisms" by the Soviet Union representative. Truisms they might be, but they were necessary in order to emphasize what his delegation regarded as essential parts of the draft resolution. His delegation was unable to see how anyone could object to the emphasis on the rule of law—which, according to the representative of Afghanistan, should be the motto of the present age—and to saying that the study contemplated in resolution 1815 (XVII) had been started at the current session. As to the third and most important amendment, his delegation, in the belief that the rule of law was the basis of friendly relations among nations, was most concerned to ensure the progressive development of international law. That was the aim of the study undertaken by the Sixth Committee at the present session, but that study was by no means completed. The work would be wasted if the Committee abandoned that study in order to formulate a simple declaration when it was clear that the necessary agreement on the substance of such a document was totally lacking.

18. The draft resolution made provision for the comments of Governments to be taken into consideration; his delegation was pleased to see that, for his Government had not yet been able to submit written

comments. In any case, written comments were not a substitute for discussion in the Committee. Not all the principles had been considered in detail as desirable and there was still much to be said about them. Detailed study must therefore be continued with a view to reconciling the different points of view. That could not be done by a document drawn up immediately, or even by a document formulated by the proposed special committee on the basis of written and isolated submissions. Some speakers had said that the General Assembly could always reject the recommendations of the special committee if it did not like them. In that event, the Sixth Committee's work would have been nothing but a waste of time and money. Moreover, that eventuality was not so remote, because the debate had shown that the unanimity of States Members could not be counted on. The representative of Afghanistan had deplored the fact that the Sixth Committee seemed to be losing its importance (830th meeting). Now that it had at last been given an important task, some delegations would like to evade it by hastily drawing up a declaration which many others would not be able to accept. If the General Assembly were to reject that declaration, then the reputation of the Sixth Committee would have suffered more than ever.

19. His delegation was not averse to the establishment of a special or any other committee. What mattered was not its name but its terms of reference, which should be modified as indicated in the third amendment in document A/C.6/L.542 if the Sixth Committee, with the help of that committee, was to add to international law.

20. Mr. SINCLAIR (United Kingdom) supported the arguments put forward by the United States representative for the amendments in document A/C.6/L.542, of which his delegation was a co-sponsor. Draft resolution A/C.6/L.541 and Corr.1 and Add.1 contained many constructive elements and his delegation was not opposed to the establishment of a committee to carry on the work of the Sixth Committee on friendly relations among States. The United Kingdom representative had already said in her statement at the 816th meeting that she was prepared to envisage ways and means whereby the study of the four principles should be carried forward after the close of the eighteenth session.

21. There was therefore no real disagreement between the sponsors of the draft resolution and the sponsors of the proposed amendments in document A/C.6/L.542 on the idea of the establishment of a special committee. His delegation firmly believed, however, that the draft could and should be improved. In the first place, the first paragraph of the preamble should confirm the paramount importance of the Charter in the progressive development of international law. The first proposed amendment reproduced verbatim the wording of the second preambular paragraph of resolution 1815 (XVII). Everyone would surely agree about the overriding importance of the Charter in the progressive development of international law. The Committee should therefore have no difficulty in accepting it.

22. The second amendment was for the insertion of a final paragraph in the preamble to draw attention to the useful and constructive work done by the Committee at the eighteenth session. That was a missing element in the draft resolution, which said nothing about the work which had been done at the present session. Within the context of operative paragraph 2 of resolution 1815 (XVII) the Committee had begun the study called for in operative paragraph 3 of that resolution and the discussion had made a contribution to the progress of that study. Without the proposed paragraph, the real reason why the special committee was being set up would not be clear.

23. The third amendment, relating to the terms of reference for the special committee, was the one about which the co-sponsors felt most strongly. As set forth in operative paragraph 1 of the draft resolution, the terms of reference for the special committee could possibly be taken to mean that its sole task would consist of drafting some kind of document. But not all the sponsors of the draft resolution interpreted them in that way. Neither did his delegation. Nor indeed could the sponsors of the amendment in document A/C.6/L.543, since otherwise they would not have submitted that particular amendment. Actually the meaning of the paragraph was far from clear, and the terms of reference of the special committee should be clarified. The debate had been long and interesting. Different opinions had been expressed on the substance of the four principles under consideration and on the method to be followed in studying them. It was important that the special committee should continue that work and endeavour to narrow the differences which had emerged, in order to attempt to secure a firm and sufficient basis for the progressive development and codification of those principles. In the view of his delegation it was premature to require the special committee to make specific and positive recommendations for the progressive development and codification of the four principles. It was not even certain that the language in the draft resolution required the special committee to make positive recommendations—it could conceivably make negative recommendations—but whatever the position might be, the special committee should concentrate not so much on making recommendations about the form of progressive development and codification, but rather on attempting to narrow the differences of substance which had arisen as a result of the initial study of the four principles at the present session. That was a very heavy task, and the special committee could probably do no more in the time available to it than submit a report to the General Assembly at its nineteenth session possibly indicating broad areas of agreement and disagreement.

24. In order to carry out that task properly, the special committee should be given terms of reference sufficiently clear and flexible to enable it to continue the work of the Sixth Committee in that more concrete form. The co-sponsors of the amendment had purposely taken over the wording from the language of operative paragraph 2 of resolution 1815 (XVII), for they saw no reason to depart from that language, which had been accepted unanimously. Before any draft declaration could be recommended, there must be basic agreement on its substantive contents. The United Kingdom delegation hoped that the Committee would accept the third proposed amendment; otherwise it would be unable to vote for draft resolution A/C.6/L.541 and Corr.1 and Add.1.

25. Furthermore, the United Kingdom delegation was firmly opposed to draft amendment A/C.6/L.543, since the wide variety of views which had been expressed in the general debate had made clear that it was impossible at that stage to begin to draft the four principles.

26. The United Kingdom delegation supported a study of the kind proposed by the Netherlands and six other countries (A/C.6/L.540 and Add.1), and hoped that the Committee would adopt the proposal because of its value.

27. Mr. VATTANI (Italy) appreciated the efforts made by the co-sponsors of draft resolution A/C.6/L.541 and Corr.1 and Add.1, but considered that, in order to achieve the purposes of resolution 1815 (XVII), certain facts should be taken into account. That was why the Italian delegation had joined others in submitting draft amendments (A/C.6/L.542).

28. The complex process of the progressive development and codification of international law imposed certain basic conditions. International law could not be based on vague formulae. It grew from the need experienced by the different nations of the world for control of international life. It was impossible to clarify and codify principles of international law without thorough study of the effect they might have on the political life of present-day international society. The debate had brought out sharp differences of view concerning the interpretation and application of those principles, and many questions must be considered before any constructive work could be done. The need was not to state vague formulae but to promote better understanding and more effective application of those principles. The Italian delegation hoped that the Sixth Committee would give the special committee terms of reference broad enough to enable it to achieve real progress in that direction. That was precisely the purpose of the proposed amendments.

29. Mr. MOROZOV (Union of Soviet Socialist Republics) noted that draft resolution A/C.6/L.540 and Add.1 dealt with a question which was quite different from the item under consideration. In the preamble to the draft certain tricks had been used to hide that fact, but the Sixth Committee should not allow itself to be diverted so easily from its task. The General Assembly had resolved in its resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States with a view to their progressive development and codification, not a study of measures by which those principles might be applied. To make draft resolution A/C.6/L.540 and Add.1 acceptable, a further item would have to be added to the Committee's agenda in accordance with the applicable rules.

30. The position of the delegations which supported that proposal could be summarized as follows: they wished, not to formulate principles, but immediately to take measures to implement the very principles which they refused to formulate. That would be putting the cart before the horse. What those delegations really hoped to do was to shelve the problem. The wished to prevent the Sixth Committee and the special committee from formulating principles by instructing them to consider another question. Even if draft resolution A/C.6/L.540 and Add.1 were wise in substance, the members of the Committee could not agree to evade their responsibilities in that way.

31. The proposal was based on the idea that in order to solve a dispute it was essential to analyse and establish the facts. That was a universally accepted idea which added nothing to the provisions of the Charter or to practice. The only innovation was the proposal to set up a new United Nations fact-finding body. The purpose of setting up that body was said to be to make good the deficiencies in the United Nations system, especially in the machinery established for the maintenance of peace and security—in other words the Security Council. In that connexion he recalled the attempts which had been made to set up an inter-sessional committee of the Security Council, with the sole purpose of evading the provisions of the Charter. The establishment of a subsidiary body, either of the Security Council or of the International Court of Justice, would bypass the machinery set up by the Charter for the peaceful settlement of disputes and the maintenance of international peace and security. The impartiality of inquiries and judicial decisions should be ensured, but that could only be done in accordance with the Charter, meaning in accordance with the provisions which governed the operation of the Security Council. Consequently it would be a waste of time to get involved in the study of a question with no answer.

32. Like any other delegation the Soviet delegation was concerned to ensure impartial fact-finding. However, it considered that the Member States had many means available for that purpose: the machinery of the Security Council, the relevant provisions of the Charter, the arrangements provided by a number of international agreements to which the Soviet Union was party, and bilateral agreements. In each particular case the most appropriate procedures should be applied. The establishment of a new body would serve no purpose other than to permit substitution of powers. To appreciate the legal and political implications of such substitution, one need only imagine a situation in which, despite the competence of the General Assembly, the question of apartheid or of the Portuguese colonies, for instance, were referred for consideration to an international fact-finding centre acting in isolation and holding a veritable monopoly.

33. On all those grounds the Soviet delegation would oppose a vote on draft resolution A/C.6/L.540 and Add.1; but if the Committee had to decide, it would be obliged to vote against it.

34. Mr. SCHWEBEL (United States of America) reminded the Committee that at the 829th meeting the USSR delegation had indicated that the first and third amendments in document A/C.6/L.542 were unnecessary because they merely repeated the language of resolution 1815 (XVII). Yet at other times that delegation had appeared to imply that, where the principles of international law were concerned, it was a step forward merely to reiterate provisions of the Charter. Moreover, that delegation had just called for strict conformity with the Charter. Consequently, if that delegation wished to reaffirm its loyalty to the United Nations Charter, it should no longer have any objection in principle to the first amendment, which proclaimed the paramount importance of the Charter. As to the second amendment, he did not think that anyone could deny that at the eighteenth session the Sixth Committee had initiated the study contemplated and that the subsequent debate had made a useful contribution.

35. Draft resolution A/C.6/L.541 and Corr.1 and Add.1, as it stood, could give the impression that the special committee's only task would be to draw up a draft declaration whether its members wished to do so or not. He was glad to note that some members of the Sixth Committee did not place that interpretation on operative paragraph 1 of that draft resolution. However, his delegation could not commit itself

blindly. It would not agree to vote in favour of the draft resolution unless the meaning of operative paragraph 1 were clearly spelt out in terms which left the special committee and the Sixth Committee free to pursue as they thought best the study already begun. The third amendment in document A/C.6/L.542 used the very words of General Assembly resolution 1815 (XVII), and was thus the more appropriate.

36. He had been glad to hear the Iraqi representative state at the present meeting that the implementation of operative paragraph 1 of draft resolution A/C.6/L.541 and Corr.1 and Add.1 would require a detailed study of the four principles. On the other hand, he thought it erroneous to attribute sinister motives to those delegations which had come out against a definition of aggression. In practice the countries which had opposed such a definition had a better record of adherence to international law than did some of the champions of a definition. His delegation likewise took exception to the claim made at an earlier stage in the debate by an Eastern European representative that those great Powers which opposed the reformulation of Charter principles preferred to rely on "brute force". The representative in question had good reason to be sensitive about the use of brute force since the civilian population of his country had been the victim of foreign tanks, but that did not justify his attributing unworthy motives to law-abiding States. His delegation considered that the principles in question should first be thoroughly studied. If it turned out that that study showed that they could usefully be further formulated, his delegation would be only too pleased.

37. He did not think that draft resolution A/C.6/L.540 and Add.1 would distract the Committee from its work. The activities it proposed might in the long run prove more fruitful than many others. At all events the establishment of a special body for fact-finding would be perfectly in keeping with the Charter, and more specifically with its Articles 10, 14, 22, 33 and 34.

38. Mr. MOROZOV (Union of Soviet Socialist Republics) stated, in exercise of his right of reply, that the references to the Charter of the United Nations in the first amendment proposed by the United States and six other delegations in document A/C.6/L.542 were merely camouflage used by the co-sponsors to justify a proposal designed to prevent the formulation of the principles in question.

39. His delegation did not dispute the value of the subsequent debate, for even the negative statements had been useful in enlightening the under-developed countries on the political purport of seemingly innocuous proposals. The second amendment would be acceptable if its effect was not to reduce the debate to a mere study. More than a study was involved, for proposals and been made and his delegation wanted to go beyond a mere study. The co-sponsors ought to agree to the replacement of the words "to that study" at the end of the second amendment by the words "to the progressive development and codification of international law."

40. His delegation ramained firmly opposed to the third amendment which was the basic amendment. Its sponsors evidently thought that the Special Committee would probably submit negative recommendations, for that was the political and legal aim of their amendments. The first two were there to prepare the ground for the third amendment; if the latter were retained, the first two would arouse only misgivings in his delegation.

41. Mr. YASSEEN (Iraq) said that his reason for deploring the United States representative's expression of doubt at the 829th meeting regarding the desirability of codifying the principle of non-intervention had been that that principle was of the keenest concern to small and medium-sized States. Such States were genuinely anxious to arrive at a definition of intervention which United Nations organs could use as a criterion and which would facilitate the control of international public opinion. It was natural to draw a parallel with aggression; he still felt that the notion of aggression was not particularly obscure and that the failure to define it had been due to lack of desire to do so.

42. Mr. USTOR (Hungary) reserved his right to reply at the next meeting to the insidious comments of the United States representative on the views expressed by the Hungarian delegation at the 806th meeting.

The meeting rose at 1.40 p.m.

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