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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) (continued)

1. Mr. STELMASHOK (Byelorussian Soviet Socialist Republic) said that the item now before the Committee was a most important one; in present conditions, the United Nations could have no more urgent task than to ensure relations of friendship and co-operation between States. It would succeed in that task, provided that Member States looked for points of agreement rather than disagreement. The clearest and most precise possible formulation of the fundamental principles of contemporary international law was in the interests of all peace-loving countries; vagueness and imprecision left the door wide open to arbitrary and aggressive action. In the world of today it was essential that the fundamental problems of international life should be solved on the basis of the principles of peaceful coexistence. The latter expression seemed to be unacceptable to some representatives; however, it was in no way at variance with the phrase "principles of international law concerning friendly relations and co-operation among States"; it was in fact the existence of international law binding on all States which made peaceful coexistence between nations with different social and economic systems possible.

2. Addressing himself to the four principles which the Committee had been requested to study under General Assembly resolution 1815 (XVII), he pointed out that at a time when the use of nuclear weapons could bring universal annihilation, codification of the principle of the prohibition of the threat or use of force was a matter of vital urgency. It was also of the greatest importance to formulate more explicitly the principle of the peaceful settlement of disputes. There was no international dispute which could not be settled by one of the methods specified in the Charter—the most effective of which was direct negotiation; however, it should be clearly provided that the method to be applied must be agreed upon between the States concerned. The principle of non-intervention in the internal affairs of States had already become a general rule of international law, and its application was a prerequisite for the maintenance of friendly relations among States. It had been embodied in one of the first decrees of the Soviet Union, the 1917 Declaration of the Rights of the Russian Peoples, and later incorporated in Soviet foreign policy. It was one of the fundamental tenets of the Charter, and was inextricably linked with the principle of self-determination of peoples. In formulating the principle of non-intervention, due attention should be paid to the various formulations contained in multilateral treaties, General Assembly resolutions and other international instruments. Finally, the principle of the sovereign equality of States was essential to the establishment of co-operation among States and of paramount importance in relations between States with different political structures and between the more powerful nations and the newly independent States. The Declaration contained in the final communiqué of the Bandung Conference of African and Asian States had demonstrated the latter's determination to achieve full independence and equal, sovereign rights. The formulation adopted should make it clear that equality derived from sovereignty and that all States enjoyed equal rights to participate in international relations.

3. The close interrelation of the four principles under discussion had been reflected in the Bandung Declaration, the Declaration of the Heads of State or Government of the Non-aligned Countries, issued on the occasion of the Belgrade Conference, and in the Charter of the Organization of African Unity. The Byelorussian delegation considered that as a first step they should be formulated by a working group on the basis of the procedure suggested by Czechoslovakia (A/C.6/L.528). The adoption of a draft declaration embodying the four principles in time for International Co-operation Year would do much to strengthen international law.

4. Mr. MOLINA (Venezuela) said that the General Assembly, by its resolution 1815 (XVII), had given the Sixth Committee a serious responsibility to bear. Fortunately, with the improvement in international relations which the signing of the partial nuclear test ban treaty had done much to foster, there was reason to hope that the Committee would be able to arrive at conclusions which would strengthen the principles of international law and thus help to consolidate world peace.

5. He appealed to the members of the Committee to discuss their differences on the item under study in a spirit of co-operation, goodwill and good faith. The tragic incident which had so recently taken the life of a great statesman, the President of the United States of America, should give them pause; now more than ever it was important to exert every effort to reach friendly understanding.

6. The four principles which the Committee had selected for initial study were of paramount importance to Venezuela because they were an integral part of its tradition as a nation dedicated to peace, freedom and democracy. As early as 1826, Colombia, Central America, Peru and Mexico had signed a treaty at Panama in which provision had been made for the peaceful settlement of disputes, prohibition of the use of force until all peaceful means of settlement had been exhausted, reciprocal guarantees of territorial integrity and non-intervention in the exercise of sovereignty by the parties.

7. The sovereign equality of States was a fundamental principle of the United Nations; under the Charter, apart from the special procedure laid down in Article 27, all Member States had equal capacity for rights and duties. In studying the principle of equality, it would be useful to take into account the provisions of article 6 of the Charter of the Organization of American States, 1/ which confirmed the full equality of the signatories as subjects of international law, and the interpretations placed on the principle of equality by both old and the new States in their international relations. As the records of the United Nations Conference on International Organization, held at San Francisco, showed, the concept included the notions of legal equality, enjoyment of the rights inherent in sovereignty, respect for State personality, territorial integrity and political independence, and compliance with international obligations.

8. The principle of non-intervention laid down in Article 2, paragraph 7, of the Charter was clearly applicable to relations between Member States as well as relations between the United Nations and its Members. It had been basic to Venezuela's foreign policy and was embodied in the Charter of the Organization of American States (article 15). The Committee's study might well cover such points as the meaning and scope of intervention, the definition of "matters essentially within the domestic jurisdiction of States", the interpretation of the provision of Article 2, paragraph 7, relating to enforcement measures, and some consideration of the various types of intervention. In Venezuela's view, ideological intervention, which was in fact a violation of a community's sacred right to live in accordance with its own tradition and its own ideas of internal harmony, merited special attention in the latter connexion.

9. His delegation shared the view that the prohibition of the threat or use of force contained in Article 2, paragraph 4, of the Charter was the best available legal protection against another world war. Consequently, it was aware of the complexity of the task of codifying or even elaborating that principle. The Committee should ask itself to what extent it was even advisable to interpret it. Such an interpretation would require answers to the questions: what constituted the threat or use of force; did the phrase cover the use of force internally by a State or was it applicable only, as the Charter stated, to international relations; and what was the definition of indirect aggression?

10. The repudiation of force as an instrument for settling disputes implied acceptance of the principle of peaceful settlement by the means enumerated in Article 33 of the Charter. Venezuela supported the proposal made earlier in the debate that that principle should be given immediate effect in specific provisions of bilateral and multilateral treaties.

1/ United Nations, Treaty Series, vol. 119 (1952), No. 1609.

11. Under resolution 1815 (XVII), the General Assembly had decided to initiate a study of the four principles he had discussed. It had not undertaken to conclude its study on any specified date; the task was one which would need time, close study and constant observation. The general debate which was now drawing to an end marked only the beginning of the task conferred upon the Committee by the Assembly. The many views expressed should be given due weight, and no hasty decisions should be taken on matters of substance; but neither should the Committee's work be unduly drawn out. His delegation considered that an ad hoc committee of eminent international jurists appointed by Member States should be established, to start work immediately after the close of the current session and prepare a report for consideration at the nineteenth session. The members of the committee should be selected with due regard for equitable geographical representation and should represent the principal legal systems of the world. It should take into account the vast documentation prepared by the Secretariat, United Nations practice, the comments of Governments, the views expressed in the debate and such international instruments as the Charter of the Organization of American States, the Charter of the Organization of African Unity and the Bandung and Belgrade Declarations. His delegation was particularly grateful to the delegation of Czechoslovakia for its practical suggestions regarding procedure (A/C.6/L.528), and to the authors of the comments contained in document A/C.6/L.531 and Corr.1.

12. Mr. ALFONSO MARTINEZ (Cuba) said that it was gratifying that the Sixth Committee was giving serious consideration to the item before it; his country was among those most anxious to ensure the more effective maintenance of international peace and security. The four principles under study had always guided Cuba's relations with other States. Thus, the President of Cuba, in his statement to the seventeenth session of the General Assembly (1145th plenary meeting), had declared that Cuban foreign policy was based on the principles of non-intervention, the self-determination of nations, the sovereign equality of States, free trade, the settlement of international disputes by negotiation, and peaceful coexistence with all the peoples of the world. Its experience had given Cuba the firm conviction that strict compliance with those principles was the best guarantee of international peace and security and therefore of the survival of the human race.

13. Two factors had made it both possible and necessary for the Sixth Committee to discuss the present item with, for the first time, some chance of success. In the first place, the forces of peace in the world of today were undoubtedly stronger than their adversaries. There were several reasons for that: a third of the world's population lived under socialism, which followed a policy of peace; the community of nations now included dozens of States that for the first time were speaking for themselves in international affairs; and many other countries, not within the two preceding groups, had recognized that advances in the technology of war faced mankind with the alternative of peaceful coexistence or death. Secondly, the principles in question were expressly or implicitly included in the United Nations Charter, so that all Members were bound to respect them; but unfortunately that was not enough, as experience had shown, to ensure the attainment of the primary objective of the United Nations—the maintenance of international peace and

security. Thus, the General Assembly, in operative paragraph 2 of its resolution 1815 (XVII), had provided that the study to be undertaken by the Committee should secure the more effective application of those principles.

14. When the United Nations Charter had been signed, political conditions had permitted the inclusion of a theoretical statement of the principles which should govern peaceful coexistence among States independently of their internal systems, the choice of which had been reserved to each State as an attribute of sovereignty. Perhaps the greatest merit of the Charter was its guarantee of equal respect for all States, regardless of the forms of development they chose. The years following the Second World War had shown, however, that the practical application of those principles was another matter. Peace was indivisible, and the responsibiiity to maintain it was collective. Peace could not be maintained with the support of some States only, even though they were a majority; nor could coexistence be accepted in some cases and not in others. During the post-war period it had been demonstrated conclusively that some States were unwilling to carry out in practice their legal commitments under the Charter. The crisis of international legality which had perhaps been the most characteristic feature of the post-war years gave enormous urgency to the task before the Committee. The fact that the forces favouring peaceful coexistence were more powerful did not mean that their adversaries no longer existed or had renounced their practices. Thus, even if legality was strengthened, violations of the principles might still be attempted. That should spur the Committee on to further efforts, for the adoption by the United Nations of a clear and definite codification of the principles would not only leave less opportunity for an indirect attack on legality but would also expose violators to world public opinion, subject, of course, to the duty of every people to take action in defence of those principles whenever necessary.

15. As to the form in which the Committee should carry out its mandate under General Assembly resolution 1815 (XVII), he noted two encouraging signs in the proceedings to date. First, the Committee had felt that a purely technical study would not yield practical results. The progressive development and codification of the principles concerning peaceful coexistence among States were important legally because of the political effects which compliance or non-compliance with those principles had on the whole international community. If the subject was to be adequately ventilated, therefore, the Committee's approach to it should remain a political one—though juridical technique should not be neglected. His delegation wholly shared the views on that point expressed by the Chilean and Ceylonese representatives at the 804th and 805th meetings, respectively, the correctness of which was also confirmed by the fact that the two resolutions that had preceded resolution 1815 (XVII) had been recommended by the Political Committees of the Assembly (resolutions 1236 (XII) and 1301 (XIII)). In the second place, the majority of delegations had realized that the study had to cover all four principles, not only because of the obvious interrelationship between them but also because separate studies of the four principles would unnecessarily delay the achievement of practical results; and delay would be incompatible with the spirit of the Committee's terms of reference and with the importance of the principles.

16. The General Assembly had asked the Committee to undertake a study of the principles with a view to their progressive development and codification; the best way to fulfil that task would be to draw up a document which included: first, a precise and detailed statement of the four principles, in harmony with the conditions of the present-day world; secondly; a request that all States should strictly observe those principles in their relations with other States; and thirdly, explicit recognition of the fact that the violation of any of the principles endangered international peace and security. As to the form of the document, he felt that a declaration would fill the essential needs at the present time; the statements of the Czechoslovak (802nd meeting) and Indonesian representatives (809th meeting), had confirmed his delegation's view concerning the advantages which that form of document would offer, at least as an initial step. The way in which the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)) had revitalized the principle of self-determination of peoples showed plainly the merits of that method.

17. He supported the Afghan representative's suggestion (804th meeting) that a group should be appointed, immediately after the conclusion of the general debate, to elaborate the four principles. The group should concentrate on the codification of the principles. It should be large enough to permit adequate geographical representation, and its members should be appointed not in their personal capacity but as representatives of Member States.

18. He wished next to present the views of his Government on the meaning and scope of the four principles. Those views were drawn from Cuba's experience in recent years with the Government of the United States of America, which provided an excellent example of how failure to comply strictly with the principles in question endangered international peace and security.

19. The proclamation of the first principle in Article 2, paragraph 4, of the United Nations Charter was in line with the objective set out in the seventh paragraph of the Preamble—to ensure that armed force should not be used, save in the common interest.

20. Any threat or use of force by a State in its international relations which was inconsistent with any of the purposes of the Organization set out in Article 1, and which was intended to assert a State's particular interests, should be regarded as a most serious violation of collective peace and security. The technical development of weapons since the establishment of the Charter had made strict compliance with that principle increasingly necessary and urgent, for its violation might have horrible and unpredictable effects.

21. The text of Article 2, paragraph 4, implied that the threat or use of force was always intended directly or indirectly to violate the territorial integrity or political independence of a country. Accordingly, in almost all cases, the threat or use of force as a political weapon not sanctioned by the Charter infringed the principle of non-intervention.

22. The wording of Article 2, paragrapn 4, left no doubt that Members of the United Nations might resort to force in two situations only: when, after a decision by the Security Council and the negotiation of the necessary agreements, collective action was taken against a breach of the peace or act of aggres-

sion (Articles 42 and 43 of the Charter); and when a Member of the United Nations exercised its inherent right of self-defence in the event of a previous armed attack against it, where the Security Council had not yet taken the necessary steps to meet the situation (Article 51). Article 51 had been the subject of certain misconstructions by some States, but no intellectual juggling could justify broad interpretations of the principle of self-defence which ignored its real meaning. He agreed entirely with the warning issued by the Ceylonese representative against such glosses (805th meeting), which had been used by powerful nations as a pretext for invading weaker countries. A broad interpretation of Article 51 might easily be converted into a pseudo-juridical weapon for perpetrating aggression. To accept a State's unilateral judgement that conditions endangered its particular interests as authorizing the threat or use of force by it or its allies would be to legitimize wars of aggression or so-called preventive wars. In 1939, that very argument had been employed to start the Second World War.

23. His delegation whole-heartedly endorsed the remarks of the Algerian representative at the 809th meeting concerning wars of national liberation; in such conflicts the colonial Powers, seeking through the threat or use of force to deny the right of self-determination to oppressed peoples, were the transgressors. To contend that a people fighting for national liberation violated the principle under study, was an absolute denial of the spirit of the Charter.

24. The legal repudiation of force covered not only the use of the armed forces of a State but also various other ways of using force as an instrument of international policy. It applied to the training, financing and arming of troops by the armed forces of a State with a view to replacing social and economic systems which that State did not like. Such troops were undoubtedly the tools of the country without whose arms and training they would not have been able to attack. The repudiation of force also covered the activities of certain administrative agencies which, while not openly included in any recognized branch of a State's armed forces, had the same contacts and facilities for obtaining war "matériel" as its regular armed forces and carried out subversive acts in other States; an example was the Central Intelligence Agency of the United States of America, whose activities were well known in Cuba and many other countries.

25. A blockade against a Member State instituted, not as a collective security measure by the Security Council under Article 42 of the Charter, but unilaterally by a State as a weapon in its relations with the blockaded State not only affected the blockaded State but also violated the freedom of the seas, a rule of law vital to all the members of the international community. The very grave consequences of that breach of the principle had been demonstrated by the dramatic circumstances which the world had experienced in October 1962.

26. It was also necessary to prevent the development of conditions that favoured the threat or use of force. The proposed codification should include a strong condemnation both of the arms race and of all kinds of war propaganda; that would help to prevent situations which, once they materialized, were infinitely more difficult to control. Recent years had seen publicity campaigns intended to justify and encourage invasions of Cuba and to defend nuclear attack as a solution for certain international problems.

27. The second principle was the counterpart of the first. The Charter declared, in Article 2, paragraph 3, that all Members should settle their international disputes by peaceful means, and implied that failure to do so endangered international peace and security, and justice. Chapter VI of the Charter was devoted to the means of discharging that obligation. Article 33 made it plain that efforts by the parties to find a solution were the best way of putting an end to a situation endangering international peace.

28. The same Article offered a wide range of peaceful means for the solution of international disputes. Obviously, States preferred some more than others. His delegation agreed with the Czechoslovak representative that direct negotiation was the most important method for the solution of disputes. The main reason was the close connexion between direct negotiation and the problem of the sovereign equality of States. The advantages offered by the other means listed in Article 33 had been demonstrated on many occasions; but it was clear that direct negotiation between the parties did the most to strengthen the principle of sovereign equality. The mere fact that the parties to the dispute showed a willingness to negotiate implied respect for each other and created a favourable atmosphere for the settlement of the dispute. On the other hand, the systematic rejection of negotiation by any of the parties implied a clear lack of respect for the other parties, and in most cases was a prelude to acts of intervention.

29. Cuba's policy of seeking the solution of problems by peaceful means, particularly in its differences with the United States of America, was well known. Expressions of that policy would be found in the statement of the Cuban Minister for Foreign Affairs at the Seventh Meeting of Consultation of Ministers of Foreign Affairs of the American States on 22 August 1960; in the statement of the Cuban Prime Minister at the 872nd plenary meeting of the General Assembly on 26 September 1960; and in the statement of the President of Cuba at the 1145th plenary meeting of the General Assembly on 8 October 1962. Moreover, on 22 February 1960 the Cuban Government had notified the United States Government of its decision to appoint a commission with authority to initiate negotiations on the differences between the two countries. The response to that proposal was well known.

30. Some States in their comments (see A/5470 and Add.1 and 2) had urged greater use of the compulsory jurisdiction of the International Court of Justice. However, the fact that many States had made reservations with respect to the Court's compulsory jurisdiction seemed to detract from the usefulness of that procedure. Moreover, some of the States that now advocated resort to the Court had at the 998th meeting of the Security Council on 23 March 1962, opposed the Cuban Government's proposal that the Court should be requested to give an advisory opinion on the legal validity of the resolutions adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American States.

31. At the 814th meeting, the United States representative had said that article 20 of the Charter of the Organization of American States imposed an obligation on the American States to submit international disputes that might arise between them to the peaceful procedures set forth in the Charter of the Organization of American States before referring them to the Security Council of the United Nations. The United States repre-

sentatives had maintained the same position in the Security Council debates on the Guatemalan question in 1954 and on the Cuban complaints in recent years. The Cuban Government rejected that view, for article 20 of the Charter of the Organization of American States must be construed in conformity with the other provisions of that Charter and with the Charter of the United Nations. Article 34 and Article 35, paragraph 1, of the United Nations Charter provided that the Security Council might investigate any dispute or situation which might lead to international friction and that any Member might bring any dispute or situation of that nature to the attention of the Security Council or of the General Assembly. Moreover, Article 103 declared that in the event of a conflict between the obligations of Members under the United Nations Charter and their obligations under any other international agreement, their obligations under the Charter would prevail; and article 102 of the Charter of the Organization of American States stated that none of the provisions of that Charter should be construed as impairing the rights and obligations of the Member States under the United Nations Charter. In the Security Council's discussion of the dispute between Haiti and the Dominican Republic in May 1963, the Brazilian representative had taken the position supported by the Cuban delegation, stating at the 1036th meeting on 9 May 1963, that "Article 20 of the Charter of the Organization of American States does not stipulate that a Member State should await the action of the regional organization" and that "the Charter of the United Nations does not deprive a member of the Organization of American States of the right of appealing at any time to the Security Council, which has the 'primary responsibility' for the maintenance of peace and security". The contrary interpretation would lead to the absurd conclusion that a State which was a member of a regional organization suffered a capitis diminutio in that it was unable to exercise its full rights as a Member of the United Nations. The parties to a dispute were fully entitled to choose between resort to the regional organization and resort to the United Nations.

32. The principle of non-intervention in matters within the domestic jurisdiction of any State was close to the hearts of the countries of Latin America, whose entire diplomatic history could be described as a struggle to secure the recognition of that principle in contractual form. Intervention could take many shapes but in all of them it represented a direct attack on the sovereign equality of the members of the international community. It was perhaps unfortunate that the Charter of the United Nations was not so clear on the subject of non-intervention as articles 15 and 16 of the Charter of the Organization of American States; but the United Nations Charter's apparent lack of clarity was easier to understand if the question was asked: how could any State possibly maintain that what was expressly forbidden to the United Nations itself in Article 2, paragraph 7, of the Charter could be permissible for an individual State? That question did not represent an attempt to "interpret" the Charter, and still less an attempt to amend it. Much had been written on the difficulty of defining intervention. The delegation of Cuba considered that intervention could be accurately defined as the intention, express or not, of a State or group of States to replace the power of decision of another State or States with their own, and consequently that it could occur both in the internal affairs and the external affairs of the latter State or States. On the internal plane, the sovereignty, or power of decision, of a State covered the right to choose the political, economic and social systems considered best for the country, the right to exercise permanent sovereignty over the natural resources of the country, and the right to assert those principles through the national legislative and judicial organs. On the international plane it covered the right to enter into international agreements, the right to establish diplomatic relations with any country, and so forth. No study of the principle of non-intervention would be complete without an examination of the various means, apart from the use or threat of force, which could be used by a powerful State to interfere in the affairs of a smaller State. Due attention should be paid to economic means, such as the closing of markets, the establishment of embargoes on imports from or exports to the country subjected to intervention, and pressure on third States to prevent their ships or aircraft from calling at that country's ports. Economic aggression could in some circumstances be as effective as, and above all cheaper and less obvious than armed intervention. Cuba had experienced all those variants at the hands of another Member State—namely the United States of America—and knew that all means of intervention were equally dangerous to international peace and security.

33. When the time came to prepare a statement of the principle, it should include, in succinct form: first, recognition of the illegality of intervention both in the internal affairs and in the external affairs of other States; secondly, recognition that intervention could be committed not only by armed force but also through political and economic measures and, thirdly, enumeration of the principal interventionist activities and especially, of course, the chief one among them, namely, the attempt to impose a given political, economic or social system on another State.

34. The principle of sovereign equality of States was of relatively recent date, having first been proclaimed as a rule of international relations at the San Francisco Conference. Theoretically, the mere fact of a State's existence should ensure that it enjoyed the right to sovereign equality; but the nations of the world knew only too well that that right had often been denied by the exercise of military and other means, in both its domestic and its international implications. The principle of the sovereign equality of States required that every State should be free to participate in all aspects of international life without being subjected to pressure or coercion from any other State; but Cuba had found that the mere fact that it had chosen the socialist way of life and government was enough to have cost it its rightful place in the Organization of American States, a regional organization of the United Nations.

35. His delegation recognized no legal validity in the resolutions of the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American States, held at Punta del Este, Uruguay, in January 1962, which had brought about the foregoing situation and whose application had been carried to the lengths of preventing, on irrelevant pretexts of procedure, the physical presence of Cuba in a geographical group within the United Nations.

36. The delegation of Cuba could not conclude its remarks on the principle of the sovereign equality of States without referring to the unjust treaties which had been imposed on many countries at a time when they were unable to defend themselves. The only reasonable solution to that problem would be to de-

clare all treaties concluded in the absence of complete equality void.

37. In conclusion, the delegation of Cuba considered that the principle of the self-determination of peoples should be given highest priority among the principles to be given further consideration at the nineteenth session of the General Assembly.

38. Mr. BENJELLOUN (Morocco) emphasized the importance attached by the Moroccan Government to the universal acceptance and application of the principles of international law, which were the foundations of all peaceful and mutually advantageous relations between States. It was true that some principles of international law had not yet been finally formulated, and that international law was a living, dynamic thing which had to be developed. Since the drafting of the Charter great changes had taken place in international life, changes which were of particular significance in connexion with the principles of international law concerning friendly relations and co-operation among States. If it was to achieve positive results, the Sixth Committee must develop the principles of the Charter in such a way as to take account of those changes and promote friendly relations and co-operation among all States, regardless of their political, economic and social systems or their degree of development.

39. The accession to independence of a large number of new States had had marked repercussions on international law. Such law could be founded only on the free consent of States; the new States could not be expected to accept in its entirety a set of rules in the drafting of which they had played no part. The General Assembly had recognized the existence of that problem and had adopted a number of resolutions on it, the latest of which, resolution 1815 (XVII), was at the origin of the present debate.

40. The task of the Sixth Committee fell into three interdependent parts which formed a whole: the study of the principles before the Committee, their progressive development, and their codification with a view to their more effective application. It had been asserted by some representatives that the codification of principles already stated in the Charter was either useless or even undesirable, in that it amounted to an attempt to revise the Charter; however, the delegation of Morocco considered that that view failed to take account of the circumstances in which the principles in question had been drafted or of the nature of the Charter, which was a living, dynamic instrument. The Sixth Committee, composed as it was of jurists who were at the same time representatives of their countries, was the body best fitted to deal with matters so eminently political in character as the principles of international law concerning friendly relations and co-operation among States.

41. The Moroccan delegation agreed with the statement of the representative of Iraq (808th meeting) that the codification and progressive development of international law did not consist of reproducing principles which had already been proclaimed, but of stating explicity those principles which had been implicity admitted and of discerning and defining the trend of their development. The Sixth Committee should set itself a definite goal, rather than dissipate its energy in academic dissertations. The first step on the road to codification of the principles under consideration should be the drafting of a declaration and a working group should be set up, as had been suggested by several representatives, in order to help the Committee in its task. It was essential that such a group should be representative not only of the main legal systems, but also of the main political and social systems of the world.

42. At the present stage of the discussion, the Moroccan delegation intended to restrict itself to a few brief remarks on the principles before the Committee.

43. The Moroccan delegation supported the principle that States should refrain from the threat or use of force in their international relations; moreover, it felt that the word "force" should be understood to mean not only armed force but any form of pressure applied to a State—including economic pressure, which was sometimes even more dangerous than armed force, particularly when applied to developing countries.

44. In an age when the world was menaced by nuclear destruction, the principle of the peaceful settlement of disputes was of vital importance. It was essential that States should settle their differences by resort to one of the many means of peaceful settlement. An investigation should be carried out to determine why the existing institutions for the peaceful settlement of disputes were not used more often; the delegation of Morocco supported the Nigerian view that the staff of such institutions should better reflect the various social and political systems and geographical regions of the world. In codifying the principle of the peaceful settlement of disputes, it should be made clear that that principle must be based on the idea of justice; and in selecting the means of peaceful settlement to be used, due regard should be had to the nature of the dispute. Serious consideration should be given to the Netherlands suggestion (803rd meeting) for the establishment of an international fact-finding centre.

45. The principle of non-intervention in matters within the domestic jurisdiction of States, which derived directly from the principle of the sovereign equality of States, was inherent in the very spirit of the Charter, and was the essential basis for any form of peaceful coexistence. The Moroccan delegation considered that the word "intervention" covered every form of subversive activity and every form of direct or indirect interference in the internal or external affairs of another State. Tribute was due to the countries of Latin America for their efforts to define the principle of non-intervention. In the opinion of the Moroccan delegation, the Sixth Committee should also deal with the question of legal sanctions against intervention, with a view to ensuring greater respect for the principle.

46. The principle of sovereign equality of States was the very foundation of the United Nations, and ought to be the basis of all relations among States; some new States still needed to be freed from such relics of colonialism as unequal treaties, unjust concessions granted to foreign companies, and so on. In the Moroccan delegation's view, the term "sovereign equality" meant that all States had equal rights and duties and that every State was entitled to respect of both its personality as a State and its territorial integrity. When the principle of sovereign equality had been drafted hardly any attention had been paid to its economic implications; but nowadays there could be no political independence without economic independence, and the General Assembly had taken an important step in adopting resolution 1803 (XVII), which proclaimed the right of peoples and nations to perman-

ent sovereignty over their natural wealth and resources.

47. As King Mohammed V of Morocco had said at the 725th plenary meeting of the General Assembly on 9 December 1957, Morocco, which had the advantage of being, at one and the same time, both a young State and an ancient nation, wished to establish peaceful relations with other States and, ruling out any other means of settling the problems with which it might be confronted, had chosen the method of negotiation, a method which guaranteed the free consent of all concerned and opened the way to the unity and international solidarity between nations which was now imperative.

48. In conclusion, the Moroccan delegation wished to state that it would be willing to support any formula put forward which was in accordance with the provisions of the United Nations Charter, the 1955 Bandung Declaration, the 1961 Belgrade Declaration, and the 1963 Charter of the Organization of African Unity.

49. Mr. MIRAS (Turkey) said it was hardly necessary to stress the far-reaching importance of the Committee's task, which was to consider four principles which were the very foundations of the United Nations. Various opinions had been expressed in the Committee regarding the exact nature of the Committee's mandate under resolution 1815 (XVII); the Turkish delegation, after careful consideration of the terms of that resolution, felt clear that at the present session the Committee's task was solely to study the principles enumerated in the resolution.

50. The Turkish delegation considered that such a study could not be carried out in accordance with the provisions of the Statute of the International Law Commission, and that the words "progressive development and codification" used in resolution 1815 (XVII) should not be taken in the sense given to them in article 15 of that Statute. The principles before the Committee were not subjects which had not yet been regulated by international law or in regard to which the law had not yet been sufficiently developed in the practice of States. They had already been newly codified, in accordance with the practice of the progressive codification of certain rules which had been codified earlier in a simpler form. Thus, for example, the principle that States should refrain from the threat or use of force in their international relations had its origins in The Hague Conventions for the Pacific Settlement of International Disputes, 1899 and 1907, and had been further developed in the Covenant of the League of Nations and the 1928 Pact of Paris.[2/]

51. The principles before the Committee were satisfactorily formulated in the Charter, and their reformulation, or the formulation of new principles affecting the existing provisions of the Charter, would constitute an attempt to amend the Charter—something which was completely outside the Committee's terms of reference and was in any case strictly governed by the provisions of Articles 108 and 109 of the Charter. Moreover, the existence of several texts dealing with the same principle was likely to lead to confusion and to the weakening of the principle in question rather than to greater clarity. For the Members of the United Nations, the Charter was the most solemn undertaking they had assumed, and to try to strengthen its principles by means of additional recommendations would be to risk producing the opposite effect. It was true that international law must follow the evolution of international society, but every change in that society did not necessarily mean that there had to be a change in the law. It was necessary first to make sure that there was a need for change and then to carry out the required change in accordance with the appropriate procedure.

52. For those reasons, the Turkish delegation could not support the proposal to adopt a declaration on the lines of that referred to by the delegation of Czechoslovakia in document A/C.6/L.528. The Sixth Committee should study the four principles before it fully and in depth, taking into account every aspect of the question, as suggested in document A/C.6/L.531 and Corr.1. Such an objective study would throw into relief the principles to be studied, help to secure their more effective application, and promote the progressive development of international law. It was essential to act with prudence and to avoid taking any hasty action before the study of the principles was completed.

53. While reserving until a later date the right to deal at length with the four principles before the Committee, the Turkish delegation wished to make a few comments on the second and fourth principles enumerated in resolution 1815 (XVII).

54. The second principle—that States should settle their international disputes by peaceful means—was particularly important, not only because it was the corollary of the principle of the prohibition of the threat or use of force, but also because international disputes had become more numerous with the increase in the number of independent countries. The principle of the peaceful settlement of disputes, which was stated in Article 1, paragraph 1 and Article 2, paragraph 3 of the Charter, was further developed in Article 33, which provided for a range of peaceful means for the settlement of disputes. The Turkish delegation considered that study should be given to the various means for the peaceful settlement of disputes listed in Article 33, and it wished to support the suggestion made by the representative of the Netherlands (803rd meeting) that an international fact-finding centre should be set up. Fact-finding had been carried out by both the League of Nations and the United Nations, but had been used as a wider means of settlement than was envisaged by the representative of the Netherlands, who simply wished the suggested centre to be used for establishing the facts in any dispute.

55. The Turkish delegation fully supported the pleas which had been made in the Committee for wider and more frequent use of the International Court of Justice. The United Nations had not taken full advantage of the potentialities of the International Court of Justice mainly because only a few States accepted the Court's compulsory jurisdiction, and the Turkish delegation felt that all States should be actively encouraged to accept the compulsory jurisdiction of the Court. Beginning in 1947, Turkey had accepted the compulsory jurisdiction of the Court for periods of five years at a time, and was at the present time engaged in taking the necessary constitutional steps to accept the Court's compulsory jurisdiction for a further period of five years.

2/ General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928 (League of Nations, Treaty Series, vol. XCIV, 1929, No. 2137).

56. Finally, the Turkish delegation wished to point out that the records of the San Francisco Conference showed that the drafters of the Charter had considered that the principle of sovereign equality comprised four points: that States were equal in the eyes of the law, that they were entitled to all the rights deriving from their sovereignty, that a State's personality must be respected as well as its territorial integrity and political independence, and that a State must faithfully discharge its international duties and obligations. The Turkish delegation considered that those points should be enlarged upon during the consideration of the fourth of the principles enumerated in operative paragraph 3 of resolution 1815 (XVII).

The meeting rose at 1.5 p.m.

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