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Chairman: Mr. Gonzalo ALCÍVAR (Ecuador).

In the absence of the Chairman, Mr. Engo (Cameroon), Vice-Chairman, took the Chair.

***Tribute to the memory of Mahatma Gandhi
on the centenary of his birth***

1. The CHAIRMAN said the experience of history had shown that greatness was not the prerogative of any one people and that some personalities, such as Gandhi, transcended cultural, religious or other dividing lines. The great Indian apostle of freedom through non-violent means had died tragically before the fruits of his labour had been fully enjoyed by those for whom he had fought. The world had later been fortunate to have disciples of Gandhi such as Nehru and Martin Luther King, who had kept alive his doctrine of non-violence. The one hundredth anniversary of Gandhi's birth should be an occasion for soul-searching, to make sure that a living Gandhi or Martin Luther King was not being silenced, and for renewed efforts to promote the ideals of the great Indian leader, most of which were enshrined in the Charter of the United Nations. .

2. Mr. BONNEFOY (Chile) associated himself with the homage paid to the great Indian humanist. The teachings of Gandhi, who had represented an unusual combination of non-violence and rebellion, were most relevant to the modern world, which was plagued by the cult of violence.

3. Mr. YASSEEN (Iraq) said that Mahatma Gandhi, who had represented all that was noble and generous in mankind, had been the precursor of the mass movement for the emancipation of the oppressed peoples. The fundamental principles embodied in the United Nations Charter echoed his teachings, which had proved that force without legitimacy could not prevail.

4. Mr. TARASOV (Union of Soviet Socialist Republics) expressed profound respect for the great son of the Indian people, Mahatma Gandhi. His work as a theoretician, philosopher and jurist had helped to strengthen one of the basic principles of international law—the right of every people to freedom and independence. The people of the

Soviet Union had always had deep sympathy for the struggle of the Indian people for national liberation and faith in their ability to free themselves from the colonial yoke. Indeed, Lenin had prophesied the rebellion of the peoples in the East, victims of the policy of imperialism. Throughout his life and work, Gandhi had always been closely associated with the people of his country and with their aspirations. Thanks to his efforts, India had eventually become an independent State and it was now following a policy of peace and co-operation with all countries. The Soviet people conveyed brotherly greetings to the people of India and wished them further success in the social and economic spheres.

5. Mr. OGUNDERE (Nigeria) said that in the modern world, where conflicts and confrontations abounded, Gandhi's teachings of brotherly love, non-violence and the irrelevance of differences of race, religion or political belief should still be followed. His ideals should guide not only individuals but also States in their domestic and foreign relations. The Nigerian delegation offered the people and Government of India warmest congratulations on the one hundredth anniversary of Gandhi's birth.

6. Mr. COLEMAN (United States of America) thought that the greatness of Mahatma Gandhi lay not only in his leadership of his people to freedom and independence but also in the quality of that leadership and the restraint with which he had pursued his just cause. He had taught not only his followers but also his opponents by appealing to the best and most noble in man. Gandhi's philosophy had considerably influenced the struggle of American Negroes for their rights under the leadership of Martin Luther King, whose ideals had gained acceptance and were now a national goal. Although tragic assassinations had deprived the world of those two great men, their ideals should still inspire the Members of the United Nations to work together for the cause of peace and justice.

7. Mr. SHRESTHA (Nepal) paid a tribute to the memory of Mahatma Gandhi, who had been a great guide of mankind, freedom fighter, internationalist and humanist. His gospel of peace and non-violence was the only alternative to the annihilation of mankind. Nepal considered Gandhi to be the Buddha of the modern age and appealed to the Members of the United Nations to dedicate themselves to the cause of peace, of which the great Indian had been an apostle.

8. Mr. EL-ERIAN (United Arab Republic) said that in troubled times such as those through which the United Nations was passing it was appropriate to reflect on the philosophical teachings of Mahatma Gandhi and to draw inspiration from the lofty principles for which he had given his life. He had devoted himself to the cause of the Indian

people and had been an inspiration to all peoples struggling for national independence. An apostle of peace, he had made a great contribution to the cause of human rights not only through his teachings but in his own life through the practice of tolerance. He had shown the irrelevance of all differences between men such as those based on religious beliefs or race, and had devoted his life to the cause of equality among men and nations.

9. Mr. ROMPANI (Uruguay) associated his delegation with the tribute paid to Mahatma Gandhi by the Chilean delegation, which reflected the views of all the Latin American countries. It was a just tribute to an enlightened man and to the people among whom he was born. It was only fitting that the Sixth Committee should commemorate a date which was of the greatest importance not only to the people and Government of India but also to all mankind. The non-violence preached by Gandhi and the resistance to evil preached by Christ both had the same aim; both advocated peace as a solution to the greatest problems of mankind. Gandhi's philosophy of non-violence had led to the liberation of a whole people and had shown the world an example worthy of emulation.

10. Mr. SECARIN (Romania) said that the role of Gandhi's thought, spirit and life in the liberation of the Indian people, the building of modern India and the emancipation of nations could not be over-emphasized. A revolutionary and a humanitarian, a genius and a great thinker, he had identified himself with the cause of the welfare of the people. It was appropriate that the centenary of his birth should be commemorated in the Sixth Committee, which also sought to promote the humanitarian principles of morality and justice in international relations and peace, friendship and co-operation among nations. On behalf of the people of Romania, he extended heartfelt congratulations to the delegation of India and wished the people of India prosperity and progress.

11. Mr. PINTO (Ceylon) said that it was most fitting that Mahatma Gandhi's life, work, teaching and shining example should be recalled in a Committee which was dedicated to the progressive development of law among nations in the cause of peace and justice. As a neighbour of India, Ceylon had felt Gandhi's influence at all levels of its political and public life and special programmes were being organized to celebrate his life and work. A great sage, philosopher, leader and revolutionary, Gandhi now belonged to the ages; it was a privilege to have lived so close to his time and spirit.

12. Mr. ALLOTT (United Kingdom) said that, even in Gandhi's own lifetime, he had been a major figure in Indian history and, what was perhaps most significant for the world today and for the Sixth Committee in particular, he was an important figure in the history of the process whereby ideas and ideals came to affect political facts. As lawyers, members of the Committee were involved in one method of turning ideas into action; Mahatma Gandhi had adopted a different course, a brave course. His ideals were still relevant to some of the problems facing the world and it was right that the Committee should honour him and what he stood for.

13. Mr. SHANKARANAND (India) said that his delegation was deeply appreciative of the tributes which had been

paid by members to Mahatma Gandhi on the centenary of his birth; he would convey their good wishes to the Government and people of India. Like all great men, Mahatma Gandhi did not belong only to the country of his birth, but was part of the heritage of all mankind. The 100 years since his birth had been one of the most remarkable periods in history, a period which had seen unprecedented material progress in many countries and the rise of national aspirations towards liberation among many peoples in Asia and Africa. In fighting inequities and injustice, Gandhi had never allowed bitterness to affect his judgement; he had pursued high standards of tolerance, non-violence and generosity, believing that there were no differences between men or nations. He had contributed to the struggle for freedom from colonial subjugation and for the elimination of poverty and ignorance, which were also the objectives of the United Nations. On the occasion of the centenary of Gandhi's birth, his delegation wished to rededicate itself to the high principles of peace, freedom and brotherhood among nations.

AGENDA ITEM 90

Report of the United Nations Commission on International Trade Law on the work of its second session (*continued*) (A/7618; A/C.6/L.741, A/C.6/L.744)

14. Mr. YASSEEN (Iraq), referring to the report of the United Nations Commission on International Trade Law (A/7618), said that the Commission's agenda contained items of importance for international affairs; the attainment of the Commission's objective of unifying international trade law was much to be desired.

15. It would be difficult to harmonize or unify, in the near future, the vast range of regulations currently in force in the different legal systems in the world. The Commission would consequently have to concern itself not only with the unification of substantive rules but also with rules of conflict. That aspect had not been given sufficient emphasis when the General Assembly had drafted the Statute of the Commission. In its preliminary work, however, the Commission appeared to have recognized the need to include the rules of conflict in its studies.

16. His delegation welcomed the Commission's decision to include international legislation on shipping among the priority items in its programme of work. Several other United Nations bodies were also considering the question, and he noted that there had already been useful co-operation between them and the Commission. It was to be hoped that that co-operation would be continued and that the Commission would neither ignore the new situations existing in the world nor lose sight of the importance of shipping in the campaign for development.

17. In view of the difficulties involved in the unification and harmonization of the many different rules and regulations governing international trade and the sustained effort that was needed in order for the work to progress, the establishment of inter-sessional Working Groups had been a wise decision; the Commission could not achieve enough in the short time available to it in plenary meetings.

18. His delegation shared the Commission's opinion that it was desirable to establish a yearbook of the Commission. It would make the work of the Commission more accessible to interested parties and would facilitate scientific research. The yearbook might follow the pattern, *mutatis mutandis*, of the Yearbook of the International Law Commission, and its publication at an early date was most desirable.

19. He hoped that the Commission's decisions on the question of training and assistance in the field of international trade law, as contained in chapter VIII of the report, would be approved; they would be particularly beneficial to the developing countries.

20. His delegation attached great importance to item 9 of the Commission's agenda, concerning the consideration of ways and means of promoting co-ordination of the work of organizations active in the progressive harmonization and unification of international trade law and of encouraging co-operation among them. He pointed out that none of the other bodies dealing with international trade law, whether established by Governments or non-governmental, were as representative as the Commission itself, which was a direct subsidiary of the General Assembly. The task of co-ordinating their activities was as difficult as it was important, and, in the opinion of his delegation, it should mould the very structure of the Commission. The Commission had adopted a pragmatic approach and he hoped that consideration of the item would lead to the adoption of measures confirming the Commission's position at the hub of all the organs dealing with the unification and harmonization of international trade law.

Mr. Alcívar (Ecuador) took the Chair.

21. Mr. ALLOTT (United Kingdom) said that his delegation commended the objective and businesslike way in which the Commission had commenced work on its priority topics and welcomed the fruitful relations that had been established with other bodies at work in the field.

22. His delegation looked forward to the meeting of the Working Group on uniform rules governing the international sale of goods and the law applicable thereto, which was to continue the study of that complicated question between sessions. The Commission's decision to investigate the possibility of creating a new form of international negotiable instruments was a good example of how the Commission was taking the initiative in new action. The questionnaire being prepared by the Secretariat in collaboration with other interested bodies would enable the

Commission to gather the views of those who actually used negotiable instruments and to decide whether it had a useful contribution to make in the matter. Referring to chapter IV of the report, he said that the results of the work of the Special Rapporteur on the question of international commercial arbitration would be most interesting.

23. In his delegation's view, the Commission must work on its chosen topics thoroughly and objectively. It should proceed carefully and, if necessary, slowly, since the results of its work would be judged not so much by the amount of work done as by the degree to which those results were accepted and implemented internationally. It was for that reason that his delegation had doubted the wisdom of including the subject of international shipping legislation in its work at the present stage. The field was a particularly difficult one and other international bodies were actively at work in it; moreover, the Commission already had sufficient work to do. However, his delegation had accepted the argument that the Commission should affirm its competence in the field; it now hoped that the Commission would proceed carefully, taking full account of the work and plans of the other organizations concerned.

24. His delegation had studied chapter VI of the report, and was satisfied that the Commission's measures to reduce the cost of establishing the registers of organizations and texts were sound. It hoped that work could now proceed as rapidly as possible.

25. With regard to the possible establishment of a yearbook of the Commission, his delegation was not entirely convinced that its advantages would, for the time being, justify its cost. But when the Commission took up the question again at its third session, its discussions would be facilitated by the study prepared by the Secretary-General.¹

26. In conclusion, the United Kingdom believed that the United Nations Commission on International Trade Law, with which it would continue to co-operate fully, would be able to make a worthwhile contribution in the field of international trade law and would justify the imaginative initiative of those who had taken the first steps which had led to its creation.

The meeting rose at 12.40 p.m.

¹ A/CN.9/32.