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CONTENTS

Chairman: Mr. Constantine EUSTATHIADES (Greece).

AGENDA ITEM 75

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (A/5192, A/C.6/L.505, A/C.6/L.507 and Add.1-3, A/C.6/L.509 and Add.1) (continued)

1. Mr. ZOUHIR (Tunisia) said that draft resolution A/C.6/L.509 and Add.1, which took into account some of the arguments advanced during the debate, constituted an apt synthesis of several theories concerning the development of international law in the field of friendly relations and co-operation among States. He was glad to note that the sponsors had turned to account several of the views which he had expressed at the 754th meeting. The first five preambular paragraphs stated principles of a political nature which should serve as a basis for the establishment of friendly relations among States. The sixth preambular paragraph dealt with the economic, social and cultural co-operation between the under-developed and the highly industrialized countries which was necessary for the elimination of a cause of imbalance and disorder. In the opinion of his delegation, it was in that field, where international law was still largely undefined, that the Sixth Committee should formulate unequivocally but with the necessary flexibility, the legal principles applicable to relations between States. At the 754th meeting he had pointed out the political and economic aspects of international co-operation, basing his argument on Article 13 of the Charter. In 1945 the authors of the Charter, reflecting the development of the world's conscience, had stressed the need for basing relations between States on new criteria, and to that end they had specified that the General Assembly should initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification. Their ideal had been the advent of peace and the emancipation of the individual. The task of law was to serve that ideal. To ensure proper implementation of Article 13 of the Charter, the Committee should take into account the requirements of contemporary international life.

2. During the discussions, differences of opinion had become evident with regard to the scope of the subject, and some delegations had expressed the fear that consideration of principles concerning friendly relations and co-operation among States might degenerate into sterile political argument. Whether one liked it or not, however, law, and international law in particular, was steeped in politics. It had its source in the life of men and societies and in the aspiration of mankind to greater well-being, dignity and freedom. That life, however, was in a constant process of development. Accordingly, law also should develop and for that reason it was impossible to erect a watertight partition between law and politics. The essential point was not to establish a distinction between law and politics, but rather to adapt international law to the realities of the modern world, with a view to making it an instrument serving all the spiritual and material values of contemporary society.

3. Some delegations took the view that it was necessary to adhere to the major principles of the Charter and to leave to international law the task of determining, in practice, the limitations of those principles and the ways and means of implementing them. For its part, his delegation felt that, in order to take into account the development of the world since 1945, the principles of the Charter should be spelt out or interpreted, wherever necessary, and that those principles which had attained a certain degree of maturity should be formulated explicitly. New States had appeared which had taken no part in the preparation of international customary law and were even to some extent suspicious of it, since that international customary law had served to justify colonization and the system of capitulations, from which entire continents had suffered for centuries. Only under a just rule of law could the small countries hope to achieve their full development, free from constraint and pressure.

4. He approved draft resolution A/C.6/L.509 and Add.1. Nevertheless, he would like that draft to mention two other principles—decolonization and international solidarity—so that genuine co-operation could be established among States on both the political and the economic levels. The first of those principles might be expressed in the fifth preambular paragraph, by the insertion of some such phrase as: "and that decolonization should be continued with a view to promoting harmonious co-operation among peoples and States". Since 1945, the principle of self-determination had developed; it had evolved into an obligation, incumbent upon all colonial countries, to free the populations still under their administration. The second principle might be expressed in the sixth preambular paragraph, through the addition of the phrase: "within the framework of international solidarity and for the advance of mankind towards dignity and prosperity".

5. Mr. CRISTESCU (Romania) said that the major problem of the present time was the maintenance of peace, and that the solution of that problem was of concern to all peoples and all individuals. There was only one possible solution for it—peaceful coexistence and co-operation among States on the basis of the rules of international law. That showed the importance of the question now under consideration. In that respect, the Committee's task was one of the greatest of all. The adoption of General Assembly resolutions 1505 (XV) and 1686 (XVI), which stressed the importance of international law in relations between nations and the need for the codification and progressive development of that law for the furthering of the purposes and principles set forth in the Charter, already represented some progress in the fulfilment of that task. Respect for international law was the first guarantee for the maintenance of international peace and security. At the present time, international law was penetrating into all sectors of international life and the idea of an international legal system was making progress. Whatever the scope of the notion might be in an abstract sense, peaceful coexistence was, in the contemporary world, the coexistence of two different political, economic and social systems. Recognition of a general system of international law depended on such coexistence. The events which had occurred since the appearance of the first socialist State proved, not only that such coexistence was possible, but also that international law had evolved considerably: reactionary principles and institutions were disappearing, while those legal rules which tended to ensure the maintenance of peace, peaceful coexistence and the free development of all countries had asserted themselves effectively. The socialist States had contributed greatly to that evolution of international law. For its part, his country had made peaceful coexistence the guiding principle of its foreign policy.

6. Any study of the principles of international law concerning friendly relations and co-operation among States should be based primarily on the Charter of the United Nations, since that legal instrument was one of the most important which had been adopted since the end of the Second World War. Besides creating an international Organization responsible for the maintenance of international peace and security, the Charter made of that Organization the very personification of the principle of peaceful coexistence and the framework with which that principle should be applied. It had abrogated a fundamental rule of "traditional international law, by providing that whenever the obligations of a Member State under the Charter conflicted with its obligations under any other international agreement, the former should take precedence. The Charter had proclaimed the principle of peaceful coexistence in its Preamble, by calling on States to "practice tolerance" and to "live together in peace with one another as good neighbours"—as well as in various provisions concerning friendly relations and co-operation among States, particularly in Article 2 and likewise in Articles 1, 11, 13, 33, 55, 56, 73, 76, 94, 95 and 103.

7. Since the adoption of the Charter, the world had undergone a change. There had been the rapid advance of the socialist countries, the disintegration of the colonial systems, and the appearance of a large number of new States. The international legal conscience had developed and had created new legal principles of a democratic and progressive nature. International law could not ignore those changes. His delegation approved the view expressed in the Committee by Mr. Pal, Chairman of the International Law Commission (740th meeting), and also by the representatives of Brazil, Czechoslovakia, Yugoslavia and other countries who had said that international law must adapt itself to the realities of contemporary international life. To that end, certain principles of the Charter should be further developed, while others should be studied from a new point of view; principles which in 1945 were still in process of formation should henceforth possess the character of legal principles of universal scope. Those new principles had been established in bilateral or multilateral international instruments such as the Declaration contained in the final communiqué of the Bandung Conference,[1] the Universal Declaration of Human Rights adopted by the General Assembly in 1948, the Charter and Judgement of the International Military Tribunal at Nürnberg and a number of General Assembly resolutions, including resolution 95 (I) affirming the principles of international law recognized by the Charter of the Nürnberg Tribunal, resolution 110 (II) condemning all propaganda likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, resolution 1236 (XII) on peaceful and neighbourly relations among States, resolution 1378 (XIV) on general and complete disarmament, resolution 1514 (XV) containing the Declaration on the granting of independence to colonial countries and peoples, and resolution 1721 (XVI) on international co-operation in the peaceful uses of outer space. The legal principles thus recognized were exerting a growing influence on international juridical views and practices. To overlook them would be to ignore the need for the progressive development of international law. Moreover, those principles stemmed directly from the principles of the Charter, which they complemented, developed and adapted to the requirements of the contemporary world, thus ensuring that law and international life were in harmony. The representatives of Italy, Sweden and the United Kingdom had pointed out that those principles were markedly political in character and were on the agenda of other United Nations organs.

8. There was, of course, a measure of interdependence between politics and international law. In that connexion, he pointed out that the members of the Sixth Committee had to state both the political and the juridical position of their Governments and that it was as representatives of their Governments, and not as specialists in legal matters, that they were called upon to contribute to the progressive development of international law and its codification. Moreover, there should be no confusion between the formulation of new principles of international law and the settlement of political questions with which other organs of the United Nations had to deal. Whatever the work performed by those organs, the Sixth Committee should not fail in its task of ensuring the progressive development of international law and its codification. It should identify the pertinent principles of the Charter and of the international instruments subsequent to the Charter—namely, the principles designed to maintain international peace and security, liquidate colonialism, and guarantee the self-determination of peoples, the sovereign equality of States, and political, economic, social, cultural and humanitarian co-operation among States.

[1] Conference of African and Asian States, held 18-24 April 1955.

9. The Czechoslovak draft resolution (A/C.6/L.505), which set forth all those principles, provided an excellent working basis. In contrast, draft resolution A/C.6/L.507 and Add.1-3, which mentioned only two principles, was too limited. It should be remembered that at the sixteenth session the Sixth Committee had unanimously decided to examine all the pertinent principles of international law—which accounted for the title of the agenda item at present under consideration. With regard to the question of the peaceful settlement of disputes, the representatives of Canada, Denmark, Sweden and the United Kingdom had spoken at length in favour of the compulsory jurisdiction of the International Court of Justice. That was a question on which the Member States of the United Nations had never been able to agree. He observed that, at the current session, the General Assembly (1167th plenary meeting) had rejected the insertion of a compulsory jurisdiction clause in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; and he emphasized that such a clause would have been incompatible with contemporary international law. To the representatives who viewed the compulsory jurisdiction of the International Court of Justice as a first step towards a super-State, he pointed out that the notion of a super-State had been rejected when the Charter of the United Nations had been adopted, and that the Charter enshrined the principle of the sovereign equality of States. That principle was the very basis of contemporary international law, and many peoples had struggled for their liberation in its name.

10. A study of all the principles of international law concerning friendly relations and co-operation among States, with a view to the incorporation of those principles in a legal instrument, was necessary to enable the new States to express their views and contribute to the evolution of law. The need for such a study had been emphasized by the representative of Mexico, and emerged from draft resolution A/C.6/L.509 and Add.1.

11. Lastly, his delegation considered that those principles should be proclaimed in an international instrument of general scope, such as a declaration. It was in accordance with United Nations practice that the most important questions should be the subject of a declaration. A declaration was a formal act, which would have more weight than a simple recommendation. It would be a guide for States and would exert an influence on international practice. It would constitute a general systematization of the principles of international law and thus contribute to the progressive development of that law and its codification. It would be the starting-point for a more thorough examination of those principles, leading to the preparation of new international instruments of a binding nature. Draft resolutions A/C.6/L.505 and A/C.6/L.509 and Add.1 both had the merit of proposing the adoption of a declaration setting forth the relevant basic principles.

12. Mr. RAMAHOLIMIHASO (Madagascar) said that friendly relations and co-operation among States could be viewed in different ways, according to the States' degree of juridical and historical evolution, their diversity and their economic and social systems. That question, far from being a cause of division, could become a means of safeguarding peace and promoting justice, if it were studied from a positive and constructive standpoint. Peace and justice, in fact, remained the two objectives at which all States should aim; but they were difficult to attain in that they were moral notions. If they were to become realities, co-operation would be needed among all States—taking the form, in the legal sphere, of codification of international law, a common task in which all must participate. In the final analysis, every country would benefit from that work, since the code of international law thus formulated would be a juridical instrument of which States would constantly make use. The rules of international law in question were the starting-point for the progressive development of law, and were not immutable. Their formulation, begun by the League of Nations, had been continued at the Dumbarton Oaks Conference in 1944. Their general principles had been stated in the Charter of the United Nations, and the International Law Commission was now guided by the work of the Sixth Committee in the discharge of its task.

13. The emergency of a large number of new States could be regarded as a notable event, in so far as those States were called upon to contribute to the progressive development and codification of international law. The concerns of each State naturally varied. Europe and America, for instance, considered peaceful coexistence as a modus vivendi between countries with different economic and social systems; while the African countries like Madagascar, which had only recently become independent, attached particularly great importance to respect for the national sovereignty, territorial integrity and independence of States, to their sovereign equality and to non-intervention in their domestic affairs. Those principles would become dynamic ideas in proportion as the young States, which were still groping their way, made their contribution to international life. New States would become independent and others would re-form themselves into federations or confederations; that would undoubtedly give rise to legal problems and even to conflicts, which would be brought before the International Court of Justice as supreme arbiter. All States would have recourse to that body, whose code of international law would be the reference document. In formulating that code, the Sixth Committee would promote not only the cause of law but also the cause of peace. The merit of the Czechoslovak draft resolution (A/C.6/L.505) was therefore, perhaps, that it emphasized the political implications of the codification of international law. In order to be effective, friendly relations and co-operation among States could not be based on juridical considerations alone, but must extend to all fields—political, economic, social and cultural—as stressed in paragraph 17 of the Czechoslovak draft resolution. The gap between the industrialized countries and the developing countries was such that aid to the latter had become just as much a duty as the defence of peace or the safeguarding of freedom. So long as that gap remained unbridged, co-operation among States would be weak and peace precarious. Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations was therefore a question of balance and harmony between all the Member States. In deciding to take it up, the Sixth Committee had perhaps undertaken an advance-guard action for the defence and maintenance of peace.

14. Mr. MAURTUA (Peru) congratulated the Czechoslovak delegation on having taken the initiative in presenting to the Sixth Committee a draft resolution

(A/C.6/L.505) designed to define certain principles which it regarded as fundamental to the promotion of friendly relations and co-operation among States. That delegation, in so doing, had shown the great importance which it attached to legal principles, while at the same time safeguarding the important role which the Sixth Committee ought to play in the Organization. However, the proposed declaration of principles did not provide for the problem the solution desired by the Czechoslovak delegation—namely, recognition of the fact that peaceful coexistence was the appropriate means of ensuring international peace. As several other speakers had said, many of the principles contained in the Czechoslovak resolution were already embodied in the Charter which, reflecting the world attitude in respect of law, had arranged and formulated them on the basis of their acceptability to all. The Charter could therefore be regarded as the codification of the principles which governed international co-operation. The adoption of a new declaration, even if it recapitulated terms of the Charter, would result in a superabundance of principles—apart from the fact that its drafting would constitute an admission that the principles contained in the Charter were not fully recognized or stood in need of confirmation. Moreover, in the Czechoslovak declaration the principles were not graded according to their importance or usefulness: principles recognized by all States were found side by side with principles based not directly on the Charter but on decisions of the General Assembly, as well as principles whose definition was based on political criteria reflecting, not the strict application of a known rule, but situations in which various legal factors governed by a political trend might play a given role according to circumstances. Finally, the declaration included principles—such as that contained in paragraph 19, regarding State responsibility—which went beyond the stage at present reached by the evolution of law.

15. The Peruvian delegation had always maintained that the method adopted for the formulation and codification of international law was of primary importance, for the application of law was inseparably linked with the effectiveness of the work of codification. No good result would be obtained by trying to formulate rules on questions which had not yet entered the field of international law or which, under the principles of that law, were within the competence of States alone. Nor was it desirable to hasten the process of codification, since a mere semblance of agreement would be only a quicksand sapping the authority of conventional law.

16. The title of the agenda item under consideration made it clear that the Sixth Committee should formulate all the principles governing peaceful relations among members of the international community; in other words, the task was to produce a declaration of the fundamental rights and duties of States. The idea was not a new one, but it should not be forgotten that a declaration of that nature had already been the subject of differences of opinion and had had to be shelved (see General Assembly resolution 375 (IV)). Logically, however, that would have been the ideal solution, since all work of codification must have, as its starting-point, general principles transcending the policies and interests of States. In Peru, it had always been admitted that, so far as the codification of international law was concerned, the conventional law of States was the last stage of customary law as it stood at the time when States agreed to undertake such codification. Peru had long held that, if it was possible at a given moment to reduce to conventional or legislative formulae all the legal factors which governed or should govern relations between States, international law would be crystallized but the evolution of law in the world would suffer or, more probably, life itself would conquer and shatter written law. As the Polish representative had very rightly said, the progress of law should follow the evolution of life; but it was important that the work of formulation and codification should conform to certain regulating criteria. In the opinion of the Peruvian delegation, it was essential in that field first, to determine which were the constant elements; second, to determine the "variable legal element" and, within that framework, the topics had reached the stage where it would be possible to decide, at a given moment, that it was timely and useful to codify them; third, to eliminate topics which, at the present stage of national laws and the political functioning of States, would provoke intervention by other countries with a view to imposing, directly or indirectly, solutions having repercussions on international public order; and fourth, to identify the various influences to be felt throughout the world, so as to determine what forces were preventing general agreement. Nothing constructive would be achieved by seeking to introduce into positive law forms and procedures which States might oppose on the ground of their fundamental interests.

17. The Peruvian delegation noted with concern the differences of view with regard to the very purpose of the question under consideration—differences which stemmed from the title of the agenda item itself, since it implied both consideration of principles of international law concerning friendly relations and co-operation among States, and study of the principles on which peaceful coexistence should be based. Those preferring the first interpretation thought that it was useless to formulate principles governing international co-operation and friendship, as those principles already existed in the Charter. Yet, given the existing state of international relations it would not be superfluous to reaffirm those principles; the principles contained in the Charter derived their authority from the fact that they were already generally recognized and accordingly superseded older, outworn legal formulae. For those, on the other hand, who advocated development of a system of positive ideas promoting the peaceful coexistence of States, the formulation of principles of friendship and co-operation was a decisive and constructive factor. According to them, coexistence had certain political aspects which ought to be placed on a legal basis. That was an interesting sociological notion. Coexistence was considered as social life itself, embracing all the factors which made possible the evolution of peoples. If a precise legal meaning was to be attached to those factors, the field of international law was entered, with a view to any possible formulation being directed towards the safeguarding and maintenance of peace. Seen in that light, coexistence was simply the state of peaceful relations governed by recognized principles of international law. Otherwise, the term "coexistence" would have to be analysed, and it must be recognized that there were various notions as to its meaning.

18. The first, which stemmed from the Charter, was the conception according to which, the purpose of the Organization being peace and peace being indivisi-

ble, aid to the under-developed countries was an obligation incumbent upon all States, as a means of strengthening peace. Another conception of coexistence, advanced by the United States delegation and developed further by the USSR representative, was peaceful coexistence which did not exclude competition—in other words, a sort of status quo in the matter of political differences, competition operating only in the economic field. The notion of coexistence, like the Charter as a whole, would be based on respect for, and the defence of, peace. The difference between revolutionary political and social systems and the capitalist system would reside in the interpretation of international law rather than in its application. If the reign of peace was the objective, it mattered little who was the source of respect for the rules of peace. But in that case coexistence, on the assumption that the two political and social systems were maintained, would be reflected in a static formula of social life. Yet what was needed was a positive and dynamic notion of coexistence, so that it should take the form of concerted co-operation by all States in tasks of common interest. That would lead to the elimination of the cold war, which was a result of competitive coexistence. In short, if coexistence was recognized as a social state, the strictly legal framework was exceeded, while if it was situated in the legal field, there was no denying that it was overtaken by a sort of paralysis of the factors making for social and legal progress.

19. From another standpoint, it should be noted that coexistence, as presented to the Sixth Committee, constituted no more than reaffirmation of a social, political and legal fact basic to the organization of any civilized community of States. He referred to two important factors arising from the rights and duties of States: solidarity in the defence of peace, and compulsory co-operation. Those two factors were, for all practical purposes, the keystone in the structure of international legal life. The independence and the equality of States would be meaningless concepts in a world divided by barriers which prevented the necessary fusion of human aspirations and provided only for the essential limitation of rights. If should not be forgotten that international law was at present seeking to eliminate the old idea of the exclusive rights of States and to replace it by the affirmation of their rights and duties—which would lead to the following formula, facilitating the application of international law in its most theoretical form: "the rights and the duties of States are interdependent, respect for the right of one is the duty of all".

20. But coexistence should apply in other fields as well. A positive statement of it would admit that it was based on mistrust in international relations—which would give rise to the hypothesis that good faith could be absent in the fulfilment of the obligations stemming from the Charter. It would also reveal the existence of economic and social underdevelopment as a consequence of a policy of exploitation, and disregard of the rights of human groups—a policy that had always been a source of tension, discontent, or rebellion against established systems. The arms race, too, brought home the risk involved in a miscalculation in international relations—a miscalculation which might lead to atomic war. In that respect, the notion of coexistence seemed necessary, since uncertainty involved frequent reaffirmation of the duties of States and of the need for them to co-operate unreservedly in the defence of peace. For that reason, coexistence could not be conceived in the abstract and dissociated from other elements. All international life was coexistence, if it was interpreted as compulsory co-operation and indispensable solidarity.

21. Turning to the three draft resolutions before the Committee, he said that the Czechoslovak text (A/C.6/L.505), on the one hand reaffirmed principles which had already been accepted since they were stated in the Charter and, on the other hand, set forth certain concepts which came within the domain of the political and legal relations of States. The latter concepts should be thoroughly examined by the bodies which were competent in the matter of international law, and in particular, by the International Law Commission. He would like, however, to make a few brief remarks concerning the principles set forth in the draft declaration contained in that draft resolution.

22. In paragraph 1 the declaration discarded the idea of aggression, giving preference instead to the notions of threats to and violations of the peace. The Czechoslovak delegation had probably encountered the same difficulties in trying to define aggression as had beset the United Nations, which had long been endeavouring to include a definition of aggression in a code of offences against the peace and security of mankind. The notion of aggression was embodied in the Charter; it was not identical with threats to, and violations of, peace. The latter concepts were not clearly defined, and at a time when armaments included more and more weapons of mass destruction, it was imperative that threats, and their corollary self-defence, should be given urgent consideration. While in no way desirous of recommending preventive war, his delegation wished to stress that in that aspect of relations between States, international law should be preventive in character. The principle contained in paragraph 2 departed from the United Nations Charter, which in Article 33 did not establish any preference as between the various means for the pacific settlement of disputes. Although the Security Council might recommend particular methods, the ultimate choice rested with the parties concerned. The principle set forth in paragraph 3, although it stressed the territorial integrity and political independence of States, did not guarantee their sovereignty. Nor did it take into account that, although in some cases a war was simply the unleashing of force against the sovereignty, territorial integrity or independence of a State, in other cases a declaration of war was a formal act of a legislative character which enabled a State that was a victim of aggression to adapt its domestic law and its institutions to the demands of a situation brought about by an unjustified act of armed attack. The principle set forth in paragraph 4 reflected the opinion of only one of the two blocs into which the world had been divided by the cold war, for it was the USSR which supported the theory that the attacking party was the aggressor. That could not be regarded as a permanent element in international relations in so far as their legal aspects were concerned.

23. Paragraph 6 was an amalgam of heterogeneous components. War propaganda might be linked with preparations for an aggressive war, which would be prohibited under paragraph 3. War propaganda was immoral in all cases and not only in regard to nuclear war. Furthermore, the reference in that paragraph to national and racial hatred was irrelevant to the

question of war propaganda. With respect to paragraph 7, he preferred the wording of the United Nations Charter, because the wording of the Czechoslovak draft resolution seemed ultimately to condemn armed attack, which created solidarity between other States and the victim of the attack, and thus excluded serious threats and, in general, acts of aggression.

24. He regretted that in the Spanish version of paragraph 9, the term "incautación", which was not commonly used in the language of positive international law, had been used to translate the word "seizure". In addition, he pointed out that no safeguard had been provided for in that paragraph for a State against which collective action had been decreed by the competent international organs. That paragraph should specify that any international action undertaken in an emergency must be strictly limited, in both duration and scope, to eliminating the situation giving rise to that action.

25. Paragraph 12 had an obvious political motivation. Its purpose was to draw attention to the situation of mainland China, which, by virtue of the principle stated in that paragraph, might be able to enter international organizations through the indirect route of participation in certain multilateral treaties. The object of that principle should be to stress the need for States to participate in all matters of concern to the international community, and especially in the organization of international public services in which States had a duty to co-operate.

26. He pointed out that the use of the term "non-intervention" in paragraph 13 departed from the concept of law recognized in all the conventions dealing with that matter. His delegation preferred the Latin American interpretation of non-intervention, which was a recognized legal concept and had the further advantage of being broader than the term chosen by the Czechoslovak delegation.

27. The Peruvian delegation also considered it inappropriate to introduce into a declaration of principles concerning the codification of international law the principle of the elimination of colonialism as a consequence of the exercise of the right of self-determination. The elimination of colonialism was well on the way to being achieved, but the interplay of political, economic and social factors made that problem a difficult one to solve. It was a question which could not in any case be covered by a rule of law.

28. With regard to draft resolution A/C.6/L.507 and Add.1-3, his delegation found it generally satisfactory but did not understand why the study should be limited to only two principles. The reason was perhaps indicated in the second and third preambular paragraphs of draft resolution A/C.6/L.509 and Add.1. Although that text contained some interesting suggestions, it included certain elements which should be eliminated, as they might give rise to political controversy. In his delegation's opinion, the sponsors of the various draft resolutions should try to come to an understanding on a joint text that might secure general support.

29. Mr. SAARIO (Finland) said that Articles 1 and 2 of the United Nations Charter set out all the principles needed to ensure friendly relations and co-operation among States. Those principles were laid down with such clarity as to preclude divergent interpretations, and there accordingly seemed to be no need to restate them in any other international instrument. Such a measure would not, moreover, mean real progress because the result of paraphrasing the provisions of the Charter might easily be to depart from them rather than to clarify them. It would seem, on the contrary, that a more useful purpose might be served by studying the principles of the Charter one by one, in a realistic and constructive way, and then considering what form should be given to the result of the study. He cited human rights as a relevant example: they had not been defined in the Charter, but had subsequently been made the subject of a Universal Declaration. Moreover, the Third Committee was still engaged in studying the draft Covenants on Human Rights. Although the method followed for human rights might not be the one best suited to the item under discussion, an effort should in any case be made to lay down the main lines of a programme and a method of work.

30. One of the principles which, although generally recognized, might be a suitable topic for study was the principle of the sovereign equality of States Members of the United Nations, which was embodied in Article 2, paragraph 1 of the Charter. That principle derived from the idea of the State as a legal person, a sovereign entity and a subject of international law. The exact meaning of that principle had none the less frequently been subject to differing interpretations, and it was particularly difficult to establish the desired balance between State sovereignty and the demands of an effective international organization. The conditions under which the concept of State sovereignty had been able to extend its influence over the international conduct of nations had undergone radical changes since the beginning of the twentieth century and particularly since the end of the Second World War. In a world in which rapid and enormous progress was being made in the field of science and technology and in which new States were emerging, there was most certainly a need to examine with the utmost care what could be done, and what ought to be done, in the realm of law in order to facilitate the creation of conditions which would ensure the establishment in the common interest, of harmonious relations within the community of nations. At the present time, the standards of international law should reflect the opinions of all in order to be a workable instrument in solving world problems.

31. Another feature of the present-day world was the fact that peoples and nations had many interests in common, the principal one obviously being the maintenance of peace and security. The interdependence of States was assuming increasing importance, and public opinion was exercising an ever-growing influence on international politics. Co-operation between States was indispensable, and no State could live any longer in isolation. It was within the framework of those considerations that the concept of sovereign equality should be envisaged and analysed.

32. In order to establish friendly relations and co-operation among States, it was necessary above all for States to be willing to settle their differences by peaceful means and for accepted rules and procedures to exist for that purpose. Great efforts had been made in that respect, and mention might be made of The Hague Conventions for the Pacific Settlement of International Disputes of 1899 and 1907, which had set up international committees of inquiry and created

the Permanent Court of Arbitration. 2/ The Statute of the International Court of Justice, which had succeeded the Permanent Court of International Justice, did, it was true, provide that the concept of sovereignty should prevail in matters concerning the submission of international disputes to the Court, but a constant effort had been made to extend the compulsory jurisdiction of the Court. It would be highly desirable that, instead of hesitating to accept the optional clause embodied in Article 36 of the Statute of the International Court of Justice, all States should accept the compulsory jurisdiction of the Court, thus showing their good faith in the matter of the peaceful settlement of disputes. The delegation of Finland suggested, in that respect, that the Sixth Committee should study ways of ensuring a more general acceptance of the optional clause, as the codification of international law could only assume its full significance if all States accepted the compulsory jurisdiction of the Court; Finland, for its part, was among the States which had accepted that jurisdiction. It would, however, be over-optimistic to believe that all States could be successfully persuaded to accept such jurisdiction in the near future, and he did indeed recognize that certain disputes between States did not lend themselves to a purely legal solution. In such cases, the parties to the dispute should seek a settlement by negotiation, mediation, conciliation or any other means provided for by the Charter, while displaying good faith, tolerance and a conciliatory spirit.

33. In order to establish friendly relations and co-operation among States, it was essential to restore to the spirit of San Francisco all its lustre, to harmonize the interests of States and to strengthen the solidarity and interdependence of States on a basis of non-aggression and respect for the sovereignty, equality, territorial integrity and political independence of each State. Ideological, religious, cultural and other differences should not divide peoples, but should be a source of wealth and strength serving the well-being and culture of mankind as a whole.

34. The two draft resolutions (A/C.6/L.505 and A/C.6/L.507 and Add.1-3) which had been before the Committee since the beginning of its consideration of the present agenda item had given the necessary sense of direction to the discussion, and a third draft resolution (A/C.6/L.509 and Add.1) had been added to them. He did not want to comment on those draft resolutions at that moment, but might return to them later. His delegation considered, however, that a common ground could be found and that the conditions necessary for real progress in the matter in hand would thus be established.

The meeting rose at 1.10 p.m.

2/ The Hague Conventions and Declarations of 1899-1907, ed. James Brown Scott, director (Carnegie Endowment for International Peace, 1915), p. 57.

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