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**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/Rev.1, A/C.6/L.509 and Add.1 and 2, A/C.6/L.510, A/C.6/L.511, A/C.6/L.512, A/C.6/L.513) (continued)

1. Mr. GENSER (Canada), introducing revised draft resolution A/C.6/L.507/Rev.1, pointed out that the third, fifth and sixth paragraphs of the preamble were new and that changes had been made in operative paragraphs 3, 4 and 5, particularly paragraph 5, which now left the door open for the consideration of other principles if required. He reserved the right to speak again to answer any objections that might be made in the course of the discussion.

2. Miss GUTTERIDGE (United Kingdom) recalled that she had already explained, in her first statement on the item, why her delegation was willing to support draft resolution A/C.6/L.507. It would also support the revised text (A/C.6/L.507/Rev.1), which should dispel the doubts of those who had feared that the original text was too narrow.

3. Some representatives had said that draft resolution A/C.6/L.509 and Add.1 and 2 was a compromise; but the United Kingdom delegation did not agree. On the contrary, it considered that text, which was in the form of a declaration, very close to draft resolution A/C.6/L.505. What was needed, however, was not a fresh declaration of principles but specific measures for applying the principles of the Charter more effectively. Moreover, draft resolution A/C.6/L.509 and Add.1 and 2 repeated some of the principles contained in the Charter but in different language and with additions which had not the same authority as the Charter itself; in that way the Charter principles became distorted. For example, the second principle enunciated in the operative part appeared to give negotiations pre-eminence over all other peaceful means of settling disputes; and the fourth principle proclaimed the right to self-

determination, which was questionable and was not recognized anywhere in the Charter. Some of the sponsors of draft resolution A/C.6/L.509 and Add.1 and 2 had sounded as if they wished to redraft some parts of the Charter. Others had explained that the Charter contained both express and implied principles and that the aim of the draft resolution was to enunciate the principles implied in the Charter. The United Kingdom delegation thought that that attitude was bound to lead to doubts and disagreement, and therefore could not vote for draft resolution A/C.6/L.509 and Add.1 and 2.

4. The draft resolution submitted by Ghana and Ireland (A/C.6/L.510) had the great merit of proposing practical measures which would contribute to the progressive development of international law within the scope of the agenda item now before the Committee. The United Kingdom delegation was willing to support the draft resolution though it doubted whether the term "technical assistance" could be appropriately used in the wording of the item to be placed on the agenda of the next session, since technical assistance did not yet extend to legal matters referred to in the draft resolution.

5. Mr. MORRISSEY (Ireland), introducing draft resolution A/C.6/L.510, hoped that it would find favour with the entire Committee, for it should make no small contribution towards friendly relations and co-operation among States. The debate had illustrated the importance of submission to the rule of law, and the part played by law in preserving world peace. The best way of securing universal application and respect for international law was to promote its teaching and study. Many of the newer States were finding that difficult because they were short not only of law schools but also of libraries. That situation must be remedied if the spread of international law was to be encouraged. Draft resolution A/C.6/L.510 was a constructive effort to set on foot a process which should benefit all States generally and new States in particular.

6. The idea behind the proposal was not new. The General Assembly had adopted at its second session resolution 176 (II), which had been intended to promote the teaching of international law. During discussion on the report of the International Law Commission covering the work of its fourteenth session (A/5209 and Corr.1), the representative of Austria had made some very interesting suggestions (743rd meeting, para. 3) for helping the Commission with its preparatory work. Some of those suggestions might be combined with the idea underlying draft resolution A/C.6/L.510, which was intended to encourage training programmes in international law and to assist Member States to establish them. The draft resolution also would make some contribution towards meeting the suggestions made at the 762nd meeting by the representative of Afghanistan, who

had said that the United Nations should proclaim a decade of international law and the Secretary-General should be asked to prepare a study on ways of making the principles of international law, particularly those relating to peace and international co-operation, acceptable to Member States.

7. Draft resolution A/C.6/L.510 needed little introduction. Its chief aim was to cause a study to be made of the means by which Member States could be aided to undertake and develop programmes of training in international law. The programmes should interest teachers and students in international law, familiarize the public with the work of the General Assembly and of the International Law Commission, and open the way for the expression of new ideas. That would lead to a wider knowledge and acceptance of international law, which would be bound to improve relations and co-operation among States.

8. Paragraph 1 should be interpreted in the widest sense. It was intended to request Member States not only to take appropriate measures to extend the teaching of international law in the universities and higher educational institutions, as paragraph 1 of General Assembly resolution 176 (II) laid down, but also, for instance, to provide law libraries, arrange for exchanges of students and teachers, grant scholarships for the training of jurists, to organize seminars on international law, and to form contacts with independent bodies specializing in the study of international law.

9. Paragraph 2 of the draft resolution departed materially from resolution 176 (II). Its main idea was that the programmes undertaken by Member States should be aided. The study for which it called would embrace not only the practical means by which that aid should be provided, but also ways in which the programmes themselves might best be initiated and developed. It would therefore be appropriately made in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the competent specialized agency for educational matters and Member States should be consulted on its practical aspects. The words "and other channels" in that paragraph were intended to make clear that the study was not meant to be confined to United Nations aid only, but ought to extend to means of obtaining help from the numerous interested bodies outside the United Nations. Technical assistance was mentioned in paragraph 3 because the sponsors of the draft resolution felt that programmes of training and study in international law were as important as programmes concerning, for instance, energy, transport or statistics, for some aspects of which advice was provided under the technical assistance programme. Since General Assembly resolution 176 (II) had been adopted, many States, including Ireland, had become Members of the United Nations and great changes had taken place in the world. That resolution therefore did not fully meet present-day requirements. If draft resolution A/C.6/L.510 were adopted, it would revitalize resolution 176 (II) and be very useful, particularly to new Member States.

10. Replying to a question by the CHAIRMAN as to why UNESCO was given such an important place in the general context of friendly relations and co-operation among States, Mr. MORRISSEY (Ireland) said that the sponsors had felt that UNESCO was the

appropriate body to co-operate in the proposed study because of its educational experience.

11. Mr. SCHWEBEL (United States of America) said that his delegation supported the excellent draft resolution submitted by Ghana and Ireland (A/C.6/L.510). He was confident that the report to be submitted by the Secretary-General under that draft resolution would contain constructive suggestions. In taking up the question of technical assistance for training in international law, the Committee was aiming at a practical and specific goal which might prove of the greatest value and should help strengthen the understanding and application of international law throughout the world, thus helping to improve friendly relations among States. His delegation would welcome the views of the Secretary-General and the Director-General of UNESCO on the possibility of granting technical assistance for training in international law. However, as the Irish representative had stressed, the United Nations could not be the only body to provide such assistance; for example, its work should be complemented by that of Governments, universities and private foundations.

12. With respect to the Chairman's inquiry, UNESCO devoted to education, was also concerned with certain legal questions, and had in particular already entered the sphere of comparative law. Its experience in those fields would enable it to make a valuable contribution in the important field now under consideration by the Committee, and to aid the Secretary-General in carrying out the study proposed by draft resolution A/C.6/L.510.

13. The CHAIRMAN asked the representative of UNESCO if he would like to comment on the draft resolution.

14. Mr. SALSAMENDI (United Nations Educational, Scientific and Cultural Organization) congratulated the Ghanaian and Irish representatives on their initiative in submitting draft resolution A/C.6/L.510. UNESCO had always considered it a privilege to co-operate with the United Nations and it was ready to continue to do so. Draft resolution A/C.6/L.510 had already been communicated to UNESCO headquarters for consideration by the Director-General; he hoped that he might have the opportunity to state later what the Director-General's reaction was, particularly as the draft resolution contained certain financial implications that might affect UNESCO's budget.

15. Mr. TUTU (Ghana) recalled that the General Assembly, in its resolution 176 (II), had requested the Governments of Member States "to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in the universities and higher educational institutions of each country ...". When that resolution had been adopted the United Nations had comprised hardly more than fifty Member States, most of which had had long traditions in international law. Today it included many States which had recently become independent and were now themselves responsible for managing their international affairs; the role of international law was thus all the more important.

16. The maintenance of peace depended on respect for the obligations arising from international agreements. The new States could not, however, fully appreciate those obligations unless they had a thorough understanding of the legal principles which

governed international relations. It was evident that most of the unequal treaties concluded between the powerful and industrialized States and the weaker developing countries resulted from the insufficient legal knowledge of the small countries, which lacked jurists to defend their interests. Moreover, since the world had come to possess thermo-nuclear weapons capable of wiping humanity from the face of the earth, the maintenance of peace had become a major concern of every State. But peace could only be brought about if knowledge of international law became universal. Unlike national law, international law was still very little taught in the universities; besides, many small countries lacked universities, and those that had them experienced great difficulty in finding qualified jurists to teach in them. If greater impetus were given to the teaching of international law, and if the nationals of various countries became familiar with its rules, there could be no doubt that their views would have an impact on the attitude of States. It would also be useful if seminars and other meetings could be arranged to enable experts in international law to exchange views and to work together for its improvement. The cost of such meetings would no doubt be high, but the expense need not be a hindrance if they helped to bring peace nearer. If the provisions of draft resolution A/C.6/L.510 were carried out, a great deal would have been done not only to advance the study of international law and friendly relations and co-operation among States, but also to preserve peace in the world.

17. Mr. MAURTUA (Peru) said that draft resolution A/C.6/L.510 placed the concerns of the Sixth Committee on a constructive footing, offering as it did the possibility of extending the teaching of international law and thereby helping to improve international co-operation and understanding. The plan would offer the newly-independent States a chance to broaden their knowledge of legal institutions. Its measures would give a powerful impetus to individual and collective initiative in favour of international law, and the participation of the new States would strengthen the practical expression of certain principles or elements of recognized international law. In addition, the teaching of international law would throw into relief the role of moral and economic values of international life which formed the basis of many legal principles which, in their turn, answered the needs of civilized life. Wider knowledge of the work of the International Law Commission would be very useful in that regard. At the Third Pan American Scientific Congress, held in Lima, the Peruvian Government had expressed the view that the democratization of foreign policy would be one way of improving international understanding. If the grave problems relating to the harmony of international relations and the stability of peace and security were submitted to examination by public opinion and control by the popular will, a way would be opened to the enrichment of national law, and an effort would be made towards ensuring a balance between national and international law.

18. Draft resolution A/C.6/L.510 was an excellent contribution to the spread of legal science. It was true that international law was already being taught in the universities, but that teaching must be stimulated. Such action must be undertaken officially and on the international level in order to arouse the interest of the most brilliant scholars through fellowships and financial assistance. It would also be de-

sirable to establish links between the different legal systems of the world, and to that end to call upon the principal international organizations such as the Arab League, the Inter-American Council of Jurists and the Asian-African Legal Consultative Committee. Some of the measures proposed in draft resolution A/C.6/L.510 had already been put into practice by the Organization of American States. It would also be useful to pick out the important facts of diplomatic history, which in fact represented the application of the evolving principles of international law. His delegation approved the participation of UNESCO proposed in the two-Power draft, having regard to its role in education, and also thought it sensible that the views of Governments should be sought, since they were responsible for university teaching. It would support draft resolution A/C.6/L.510.

19. Mr. TABIBI (Afghanistan) said that his delegation approved draft resolution A/C.6/L.510, which followed the same lines as the proposals it had itself intended to submit and concerning which it had already made some remarks at the 762nd meeting. The preamble of the draft in certain respects recalled General Assembly resolution 176 (II). But it must not be forgotten that that resolution had been adopted when the atmosphere had been very different, and the world had still for the most part known only conventional weapons. Today the need to maintain peace was more urgent than ever and it was essential to strengthen international law.

20. His delegation wished to propose certain amendments<sup>1/</sup> to draft resolution A/C.6/L.510. First, it would like the preamble to include a paragraph emphasizing that lasting solutions to the grave problems that confronted humanity could be achieved only by understanding mutual co-operation, and the strengthening of international law and its application in the relations among nations. Second, it was desirable that paragraph 1 should make explicit reference to exchanges of fellows and the organization of seminars, which were other methods of developing international law and offered great advantages on the regional level.

21. Paragraph 2 should not mention only UNESCO, despite the obvious interest which that agency had in the question under discussion, but also the technical co-operation organs of the United Nations. The UNESCO fellowships would indeed be extremely useful; but they would not be adequate to the scale of the proposed work, and moreover they would be financed, like all UNESCO technical assistance, from the limited funds allocated to that agency under the Expanded Programme of Technical Assistance. It would therefore be better if the Expanded Programme of Technical Assistance, the regular programme and the Special Fund joined forces. It would also be desirable to secure the co-operation of Governments, regional organizations and the International Court of Justice.

22. Lastly, the Secretary-General's study should also cover the possibility of proclaiming a United Nations Decade of International Law dedicated to the strengthening of international law. General Assembly resolution 176 (II) had not yet really been implemented, and even in the United Nations the importance of international law seemed to have diminished, since the Office of Legal Affairs was no longer a

<sup>1/</sup> Subsequently circulated as document A/C.6/L.514.

department but was now one of the services coming directly under the Secretary-General. Paragraph 3 should therefore be amended so as to give a more complete account of the scope of the study. In conclusion, he expressed the hope that draft resolution A/C.6/L.510, amended in the way he had indicated, would help to meet the needs of the present day.

23. The CHAIRMAN, speaking as representative of Greece, said that his delegation did not share the opinion of those who thought that the importance of international law was waning. The best proof of that, to paraphrase the words of Talleyrand at the Congress of Vienna, was that the Sixth Committee existed and met regularly. It should not be forgotten, moreover, that it was international law which had brought about the great changes in international society to which so many representatives had alluded.

24. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the consideration of the principles of international law concerning friendly relations and co-operation among States afforded the Committee the opportunity of refuting those pessimists who claimed that international law had no place in that international Organization, the United Nations. It was the Committee's duty to take a decision which would promote the progressive development of international law.

25. Draft resolution A/C.6/L.510 should be approached with some caution. Admittedly, it was desirable that international law should be suitably taught in all States Members of the United Nations. In the Soviet Union, a great deal of attention was given to the teaching of that branch of law, not only in faculties of law, but also in institutes of economic or financial science and in commercial schools. Programmes were periodically brought up to date to reflect developments in international law. On the theoretical side, all the great authors, ancient and modern, were studied, thus precluding the possibility of one-sided instruction. Technical assistance and cultural exchanges, envisaged by the sponsors of draft resolution A/C.6/L.510 and by the representative of Afghanistan, could not fail to contribute to promoting friendly relations and co-operation among States. However, that technical assistance should be established on a sound basis. In other technical fields, and even in the economic field, the furnishing of assistance had sometimes given rise to unfortunate incidents, because it served the interests of the donor country. In the sphere of international law, the risk of such incidents was greater still. A teacher was often tempted to inculcate his own ideas. The necessary precautions must therefore be taken at the very outset. Assistance should be granted only at the request of the country concerned. It should always be furnished through the United Nations. At a later date it would be necessary to study in detail the methods of carrying out the programmes proposed. With those reservations, his delegation was ready to support draft resolution A/C.6/L.510, and also the amendments proposed by the representative of Afghanistan.

26. In order that the suggested technical assistance might genuinely contribute to promoting friendly relations and co-operation among States, it would be desirable to define the standards on which all teaching of international law should be patterned. In his delegation's view, the teaching of international law should be based on the Charter; it should promote the progressive development of that law; it should be

universal, to meet the demands of contemporary international law.

27. Although, during the general debate, opinions had been expressed and proposals made which undoubtedly served the cause of law, the time had come to find common ground. While he preferred draft resolution A/C.6/L.505, he thought that draft resolution A/C.6/L.509 and Add.1 and 2 would constitute a good compromise solution. Objections had been made to that text. At the current meeting, the representative of the United Kingdom had expressed the opinion that, as they stood, certain provisions of that draft were a distortion of the Charter. For instance, principle I set forth in the operative part would deprive States of the possibility of resorting to force within the limits permitted by the Charter. But in the first sentence of that paragraph the sponsors had taken care to insert the words "in any manner inconsistent with the Charter of the United Nations". To prohibit outright the threat or use of force would not, incidentally, be in any way contrary to the Charter, for unquestionably in no case did that instrument make resort to force obligatory. Principle I of draft resolution A/C.6/L.509 and Add.1 and 2, which corresponded to paragraph 3 of draft resolution A/C.6/L.505, reproduced almost verbatim the principle set forth in Article 2, paragraph 4, of the Charter. On the other hand, reference to draft resolution A/C.6/L.507/Rev.1, which the United Kingdom representative supported, would unfailingly disclose considerable differences between paragraph 2 of that draft and Article 2, paragraph 4 of the Charter. The prohibition of the threat or use of force had been omitted, and of the text of the Charter there remained only the obligation to respect the territorial integrity and political independence of States, which was a more limited obligation. Generally speaking, draft resolution A/C.6/L.507/Rev.1 weakened the provisions of the Charter, whereas draft resolutions A/C.6/L.505 and A/C.6/L.509 and Add.1 and 2 developed them.

28. It was regrettable that the sponsors of draft resolution A/C.6/L.507/Rev.1 persisted in a separatist attitude. For his own part, he would have liked the Czechoslovak draft resolution (A/C.6/L.505) to be adopted. Draft resolution A/C.6/L.509 and Add.1 and 2 did not satisfy him completely. However, extreme points of view could not prevail, since they were not supported by a sufficiently large number of representatives. The Committee should adopt a single text, which would constitute a basis of work acceptable to all. At subsequent sessions of the General Assembly, delegations which supported either draft resolution A/C.6/L.505 or draft resolution A/C.6/L.507/Rev.1 would be free to make any proposals they considered useful.

29. Mr. YASSEEN (Iraq) said that his country had always favoured the development of the role of international law. In order that the purposes it served might be attained, international law should be taught in a universal spirit. Unfortunately, few institutions endeavoured to accomplish that task. He therefore thought that teaching establishments such as the Academy of International Law at The Hague, which was a centre for teachers and students from all over the world, should be encouraged.

30. His delegation approved draft resolution A/C.6/L.510, but agreed with the representative of Afghanistan that it should be improved and expanded. By proposing an extension of the technical assistance

provided by the world organizations for the teaching and study of international law, that draft helped to create a truly international spirit, and, in conformity with the purposes and principles of the United Nations, to bring greater impartiality and objectivity to the teaching of international law.

31. Mr. NINCIC (Yugoslavia) said that, before speaking of draft resolution A/C.6/L.509 and Add.1 and 2, of which his delegation was a sponsor, he wished to pay a tribute to the efforts made by the Czechoslovak delegation, whose draft (A/C.6/L.505) contained some excellent points, and by the sponsors of draft resolution A/C.6/L.507/Rev.1, whose proposals, however, were too limited in view of the terms of General Assembly resolution 1686 (XVI).

32. His delegation had joined in sponsoring draft resolution A/C.6/L.509 and Add.1 and 2 precisely because it was anxious that the Sixth Committee should perform the task which devolved upon it under that resolution, namely, the task of considering the principles of international law concerning friendly relations and co-operation among States. To that end, draft resolution A/C.6/L.509 and Add.1 and 2 had retained, of the principles of the Charter, those which at the moment were of greater importance and of more immediate interest, so that a thorough study of those principles was essential. There were some who would like the Committee to adopt a text more general in scope, but that draft resolution represented a common denominator.

33. That draft, like the Czechoslovak draft, had been criticized for being in the form of a declaration, an instrument devoid of any binding force, and therefore useless and even dangerous. Such criticisms had repeatedly been refuted by the General Assembly, more particularly when it had adopted the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), which was in no way considered as being contrary to the Charter. Moreover, the delegations which opposed the adoption of a declaration on the principles of international law concerning friendly relations and co-operation among States had themselves submitted draft declarations on other questions. The essential thing, however, transcending questions of form, was to prepare a text which, like General Assembly resolutions 1505 (XV) and 1686 (XVI), really conformed to the objectives of the Sixth Committee.

34. A more serious criticism had been levelled at draft resolution A/C.6/L.509 and Add.1 and 2: it was alleged to be an attempt to revise the Charter by roundabout means. Such a criticism would imply that the Charter was an immutable text and not, as the representative of the United Arab Republic had clearly demonstrated, an instrument in the service of peace, co-operation among States and international law. According to certain representatives, principle I of draft resolution A/C.6/L.509 and Add.1 and 2 was an attempt to limit the scope of Article 51 of the Charter. But the sponsors had explicitly stated that they condemned resort to force "in any manner inconsistent with the Charter of the United Nations", i.e., except in the cases explicitly provided therein (Article 51 and Chapters VII and VIII). The sponsors had also been criticized for insisting on negotiation in principle II. But was negotiation not the first means of peaceful settlement of disputes mentioned

in Article 33 of the Charter? Negotiation, carried on under conditions of equality and in conformity with the Charter, was the best means of solving current problems, particularly those which concerned international peace and security. Moreover, the importance attached by the sponsors to negotiation in no way detracted from the value of the other methods of settling disputes, which were not ignored. Seventeen years after the adoption of the Charter, the question whether the principle of self-determination, set forth in principle IV, was a legal principle could hardly arise any longer, and the General Assembly had settled the matter once and for all by its resolution 1514 (XV).

35. In conclusion, he said that his delegation and the other sponsors of the draft had attempted to submit a text which could be adopted unanimously. In continuation of their efforts, they proposed to revise that text, taking into account the observations made during the debate.

#### Organization of work

36. Mr. VASQUEZ (Colombia), speaking on a point of order, pointed out that the Committee was simultaneously discussing two different questions, the legal principles concerning friendly relations and co-operation among States which were the subject of draft resolutions A/C.6/L.505, A/C.6/L.507/Rev.1 and A/C.6/L.509 and Add.1 and 2, and the teaching and study of international law, which was the subject of draft resolution A/C.6/L.510. In the interests of clarity, the Committee should conclude the consideration of the first question before going on to the second.

37. The CHAIRMAN explained that it had been agreed at the previous meeting that the debate would cover simultaneously all the drafts before the Committee. He further announced that at the next meeting the debate would also cover the new texts announced by the representatives of Yugoslavia<sup>2/</sup> and Afghanistan<sup>3/</sup> and that, if necessary, the Committee would take up the question of consular relations.

38. Mr. MOLINA (Venezuela) said that it might perhaps be advisable for the Committee to hold two meetings a day from the following week onwards, since it still had a great deal of work to do.

39. Mr. MOROZOV (Union of Soviet Socialist Republics), speaking on a point of order, said that it would be better to complete consideration of the agenda item with which the Sixth Committee was then occupied before starting the debate on consular relations.

40. The CHAIRMAN said that in principle the meeting for the following day would be devoted entirely to the item under discussion, unless there were not enough representatives ready to speak, in which case the next item would be taken up. As for the observations of the Venezuelan representative, the Secretariat would not fail to take note of them.

The meeting rose at 1.35 p.m.

<sup>2/</sup> Subsequently circulated as document A/C.6/L.509/Rev.1.

<sup>3/</sup> Subsequently circulated as document A/C.6/L.514.