United Nations
GENERAL ASSEMBLY
SEVENTEENTH SESSION
Official Records

SIXTH COMMITTEE, 762nd MEETING

Monday, 19 November 1962, at 3.20 p.m.

NEW YORK

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) (continued)

1. The CHAIRMAN drew attention to draft resolution A/C.6/L.509, submitted by twelve delegations, and invited the Indonesian representative to introduce it.

2. Miss LAURENS (Indonesia) recalled that her delegation had been among those which, in response to the request in General Assembly resolution 1505 (XV) for new topics of international law for codification and progressive development, had submitted that of the legal elements of peaceful coexistence and co-operation among States in their efforts to reach the objectives laid down in the United Nations Charter.[1] Indonesia had therefore become a sponsor of the draft ultimately adopted as General Assembly resolution 1686 (XVI), which in its original form had proposed that the question to be placed before the seventeenth session should be the consideration of principles of international law relating to peaceful coexistence of States. The reasons why the term "peaceful coexistence" had been replaced by the expression "friendly relations and co-operation" had been explained in detail by other speakers; she thought, however, that if the Polish representative had had an opportunity at the sixteenth session to give his brilliant explanation of how the word "co-existence" had become an accepted legal term, the Committee might now be considering the item under its original name.

3. Her delegation's consistently positive attitude towards that topic sprang from the basic principles underlying Indonesia's foreign policy, for her country's Constitution required the Government of the State of Indonesia to contribute to the building of a world order based on independence, abiding peace and social justice. Independence meant freedom for all nations to conduct their affairs without outside interference and to co-operate with all other nations. Abiding peace meant not only absence of war, but also removal of the sources of conflict, both ideological and, even more important, economic. Social justice meant justice for all nations, small and large, weak and powerful alike, based on equality and not their power to secure justice for themselves. In pursuing those aims, Indonesia based itself on the five principles which were the pillars of its way of life: belief in God, nationalism, internationalism, democracy and social justice.

4. It was not surprising, therefore, that Indonesia had readily subscribed to the purposes and principles of the United Nations, that it had played an active part in organizing the Bandung Conference and that its President, together with the Presidents of Yugoslavia and the United Arab Republic, had taken the initiative in convening the Belgrade Conference.[3] The aims of its foreign policy had also led it to participate actively in the Cairo Conference,[4] and had shaped its attitude towards the item now before the Committee.

5. Yet, despite the guidance of its fundamental aims and the inspiration of its philosophy, the Indonesian delegation had experienced at the outset of the debate some feelings of doubt and confusion. The topic was so vitally important to the whole world, its scope was so vast and its consequences so far-reaching, that her delegation had almost despaired of severing the political and moral norms that could be regarded as rules of international law from all the principles of the Charter which had some bearing on the topic and of formulating them in a manner acceptable to all members of the Committee. It had no eminent international jurist who could expound theories of how rules of international law acquired obligatory force, or analyse recent trends in international law. It could base its contribution to the debate only on a general knowledge of what was known as international law in the modern world, on a non-aligned and active national policy, and on a genuine and sincere desire to find ways and means to enable the Committee to take a first step towards its vast objective.

6. Those were the motives that had prompted her delegation to respond to the Yugoslav representative's initiative and join eleven other non-aligned nations in submitting draft resolution A/C.6/L.509, which both embodied their common philosophy and at the same time attempted to bridge the differences of approach between the Czechoslovak draft resolution (A/C.6/L.505) and the eleven-Power draft (A/C.6/L.507 and Add.1-3). In preparing their text the non-

[1] See Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 70, document A/4976/Add.2.

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

[3] Conference of Non-aligned Countries, held 1-6 September 1961.

[4] Conference on the Problems of Economic Development, held 9-18 July 1962.

aligned nations had been greatly helped by the masterly statements that had been made in introducing the draft resolutions already before the Committee, and by a number of other statements made in the debate, particularly that of the Brazilian representative (756th meeting), who had advocated the middle way between an unduly ambitious programme and excessive perfectionism of legal technique. Thus the new twelve-Power draft did not contain an exhaustive and solemn declaration like that of Czechoslovakia; but it did not confine itself to so few topics for study as the eleven-Power draft. It merely enumerated the fundamental principles which should govern relations among States, against the background of the main problems which required solution by the proper application of those principles. It thus diagnosed the ills from which the world was suffering, and indicated where the remedy was to be found.

7. The first preambular paragraph of the twelve-Power draft was identical with the second preambular paragraph of the eleven-Power draft, and was based on the first paragraph of the second part of the Preamble to the Charter. The second preambular paragraph referred to the changes that had occurred in the world since 1945, and stressed the added importance that they had given to the purposes and principles of the Charter. The third preambular paragraph stressed the urgency and importance of maintaining and strengthening peace, an aspect considered by the General Assembly at its twelfth session when discussing peaceful and neighbourly relations among States. The next three preambular paragraphs summed up the main problems confronting the world. Thus the fourth paragraph referred to the main issues of the cold war, the fifth to the continued existence of colonialism and the danger of its re-emergence in new forms, and the sixth to the problem raised by the ever-increasing disparity between standards of living in the economically-advanced and in the developing countries. That threat to the peace could be eliminated only by closing the gap between the rich and the poor countries through accelerating their development. In order to do so, however, the developing countries had to expand their trade rapidly and earn the necessary foreign exchange, and in their efforts to reach that goal they were often hampered by restrictions and discriminatory practices imposed against their export products by the industrialized countries. The seventh preambular paragraph was self-explanatory; the eighth was derived from General Assembly resolutions 1505 (XV) and 1686 (XVI); and the ninth recognized the duty of the United Nations to promote friendly relations and co-operation among States in accordance with Articles 1 and 13 of the Charter.

8. The operative part of the new draft resolution enumerated, against the background of the preambular paragraphs, the fundamental principles governing relations among States. The first principle corresponded to and amplified the principle set forth in Article 2, paragraph 4, of the Charter, and had been placed first because it was the keystone of international peace. The concept of refraining from resort to force or exercising pressure against the national unity of any State had first been formulated in the Declaration made at the Belgrade Conference of Non-aligned Countries, and had been inspired by the events taking place in the Congo at that time; the Conference had regarded the problem of Katanga as particularly serious, and indeed it was still unsolved. The pertinent paragraph of the Belgrade Declaration had stressed that the world community ought to do everything in its power to prevent any further foreign intervention and to enable the Congo to pursue freely the road of its independent development based on respect for its sovereignty, unity and territorial integrity.

9. The second principle set forth in the draft resolution corresponded to Article 2, paragraph 3, and the third principle to Article 1, paragraph 3 of the Charter. The fourth principle, the right to self-determination, had been accepted so generally that it hardly required comment. The fifth principle was in fact a combination of principles to stress the right of States to sovereign equality and their duty to respect that right by refraining from any interference in the internal affairs of other States. The sixth principle should be read both with Article 2, paragraph 2 of the Charter and with the third paragraph of the Preamble. It was noteworthy that the Charter itself placed on the same level justice and respect for obligations assumed under the Charter.

10. The draft resolution was not intended to provide an exhaustive solution for the many complex problems that existed. Her delegation was fully aware that the application of even a few fundamental principles would be difficult, even with the guidance of the preambular paragraphs. It also realized that almost every right had its corresponding duty, and that both rights and duties required skilful formulation to prevent conflict between them. If the Committee felt that its goals could best be attained by drawing up a solemn declaration, it was free to do so; but it should bear in mind that that approach would take a great deal of time. It was equally free to decide on thorough discussion of all the fundamental principles, though that too would require years of work. Meanwhile the sponsors believed that their draft resolution could provide a solid basis for discussion, and in that belief she commended it to the Committee.

11. Mr. TABIBI (Afghanistan) said that the whole future of mankind depended on the establishment of friendly relations and co-operation among States. Afghanistan would be second to none in its support of any measures for the strengthening of world peace. Its conduct in international affairs, during the League era and that of the United Nations, as a neutral country during both world wars, and as a non-aligned country faithful to the principles of the Charter and of international law, had demonstrated its earnest desire for lasting peace among nations and a friendly world community. Because of its traditional attachment to the rule of law, Afghanistan firmly believed that by adherence to the principles of international law and the Charter the United Nations could still save mankind from destruction and atomic holocaust.

12. One fatal miscalculation could bring the world to the brink of annihilation. Science, which should be used for the progress of mankind, was being used in a campaign of hate inspired by ideological differences. The stock-piles of atomic and hydrogen weapons in the United States and the USSR could destroy the entire planet within a few hours; and the production of armaments had now become a continuously accelerating cycle. Today more than ever before mankind desperately needed a world of law and friendly co-operation. The rule of law was necessary for the protection not only of the small and non-nuclear

Powers but of the strong and nuclear Powers as well. As Rousseau had said, the stronger was never strong enough to be master at all times unless he was able to convert strength into law. To define power without law was sheer madness.

13. The last two great wars had taught above all the lesson of the uselessness of world war, for they had bred so many dreadful problems which could not be solved without another war. That was the main reason why the great Powers had pledged themselves to the lofty provisions of the Atlantic Charter and of the United Nations Charter, the greatest development in positive international law. The Charter could not have been completed if its authors had not been motivated by the paramount desire of mankind to maintain world peace and security in a world devastated by war. The purposes and principles of the Charter, as stated in the Preamble and in Article 1, were its most important part, and were written so magnificently that they embraced every matter affecting the relations of mankind. The acceptance of those principles by 110 nations, more than twice as many as had first subscribed to them, put positive international law on very lofty and universal ground. The authors of the Charter, mindful of the rapid changes which had occurred in the world community within the quarter of a century since the adoption of the League Covenant, had by Article 13 required the General Assembly to promote international co-operation in politics, law, economics, culture, education and health. That most important provision also directed the General Assembly to encourage the progressive development of international law and its codification in order to supplement the Charter provisions promoting friendly relations among nations and the maintenance of peace.

14. Since the establishment of the United Nations, the world community had undergone a profound transformation. The Charter reflected the views of only fifty nations, mainly European and Latin-American, whereas there were now 110 Members, mostly Asian and African States which had suffered long periods of colonial domination. The Charter was still not universal enough to reflect the views of the majority of the Member States. Even now Article 38, paragraph 1 c of the Statute of the International Court of Justice used the words "civilized nations", an outmoded concept of the European and Christian nations. United Nations decisions, recommendations and declarations, particularly about peace, should now reflect the views of the new nations; the so-called European law—or "ruler's law", as Professor Röling of the Netherlands had called it—no longer satisfied the world community.

15. The authors of the United Nations Charter could not have foreseen the emancipation of colonies throughout the world or the adoption of the historic Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). The role of the Trusteeship System had been greatly affected by those changes, and the principle of parity laid down in the Charter for the membership of the Trusteeship Council ought immediately to be revised. The economic emancipation of nations went hand in hand with their political self-determination: the application of the principle of permanent sovereignty over natural resources had put an end to the old European principles of State responsibility, under which an alien could legally claim rights superior to those of a country's nationals. The Tunisian representative had stressed (754th meeting) and rightly so, the importance of economic co-operation among States based on the principle of collective responsibility and international solidarity. Peace and brotherhood would not be achieved so long as two-thirds of the world's population suffered from malnutrition, disease, poverty and lack of education while the rest of the world faced the problem of food surpluses. The industrialization which the underdeveloped nations needed so badly would not be achieved until the developed nations offered them capital, technical skill, and assistance without political strings. There must be no discrimination in trade, whether by high tariffs or by denying inland countries free access to the sea, contrary to all legal principles and to many valid international instruments.

16. The Charter had been drafted in an era of conventional armaments. For the past seventeen years, however, the world had been living in the shadow of nuclear weapons and rockets. The international community must make the considerable effort necessary to achieve general and complete disarmament and a nuclear test-ban treaty.

17. Another change since the adoption of the Charter was the growing role of the non-aligned countries in world affairs. Their activities had affected the whole political pattern of the United Nations. The principle of coexistence had not had the support of the socialist countries alone, for it was founded on historic Asian principles, reaffirmed at the Bandung Conference.5/ At that time his delegation had pointed out that coexistence was merely another expression for what the Charter termed living together in peace. It was in line with the Preamble and Articles 1 and 2 of the Charter; it had received the support of many General Assembly resolutions. It was thus a world-wide concept supported by the majority of nations and adapted to the reality of the present time.

18. Although a precise definition of coexistence was admittedly difficult to draft, its basic elements were well known and were reflected in the draft resolutions before the Committee. They were: a strong determination of peoples to preserve peace, as stated in the Preamble and Articles 1 and 2 of the Charter; political and economic self-determination, enshrined in the Charter and in article 1—already adopted by the Third Committee—of the draft International Covenants on Human Rights; the preservation of sovereignty and the principle of non-intervention; strengthening of the United Nations machinery for the maintenance of world peace and security; the renunciation of force or threats of force; the principles of pacific settlement of disputes; and above all friendly and peaceful co-operation among nations. All those elements were contained in the draft resolution of which his delegation was a sponsor (A/C.6/L.509). The Czechoslovak draft resolution (A/C.6/L.505) included many important elements of the law concerning friendly relations, but on some points needed careful revision and consideration. On the other hand, draft resolution A/C.6/L.507 and Add.1-3 contemplated a very limited approach in a time of great need. He supported the Brazilian representative's views on both those draft resolutions: one was too ambitious, the other too cautious.

5/ Conference of African and Asian States, held 18-24 April 1955.

19. The restoration of the legal effectiveness of the United Nations was in the Committee's hands. Members of the Sixth Committee should think not as politicians but as jurists. They should attempt to transform the Committee into a great peace-making instrument by discussing and adopting legal declarations and by making studies on topics of importance to peace, such as the present item. They should persuade their Governments to support the revitalization of international law in the work of the United Nations. They should seek to apply international law in every branch of life, and promote its development in new fields where there were as yet few or no rules.

20. Even if the Committee adopted a resolution on the present item, it might retain the item on its agenda for future sessions. The draft Declaration on Rights and Duties of States (General Assembly resolution 375 (IV), annex) should be discussed by the Assembly. That important draft, which had been drawn up by the International Law Commission in response to a proposal submitted by Panama in the early days of the United Nations, had been commented on by only sixteen Member States, including two from Asia and none from Africa. It should be sent again to the 110 Member States for comment, and the Commission should be asked to study it again. His delegation and the Panamanian delegation would see what steps could be taken for those purposes.

21. The United Nations should proclaim a decade of international law—a period of devotion to its observance. During that decade the States Members should pledge themselves to refrain from resort to arms and to seek to solve their disputes by peaceful means. 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. In connexion with that study steps should be taken to strengthen the International Law Commission by all means at the disposal of the Secretary-General.

22. Mr. CAINE (Liberia) said that his delegation had become a sponsor of the eleven-Power draft resolution (A/C.6/L.507 and Add.1-3), not because it opposed the other two drafts before the Committee, but because it seemed more consistent in its approach to the principles. It took account of five aspects of the item: the rule of law, the United Nations Charter, peaceful settlement of disputes, political independence, and territorial integrity.

23. With reference to the rule of law, the most important legal question confronting the seventeenth session of the General Assembly was raised by the advisory opinion given by the International Court of Justice on 20 July 1962 (A/5161).[6/] At the 1132nd plenary meeting of the Assembly the Liberian Secretary of State had expressed the view that it was incumbent on each Member of the United Nations to contribute its share of expenses entailed by any decision of the Security Council or of the General Assembly which had a bearing on the maintenance of peace and security; that it was wrong for any Member to refuse to make its contribution on any ground whatsoever in such cases; and that the expenses of the peace-keeping operations of the United Nations should be apportioned by the General Assembly in keeping with Article 17, paragraph 2, of the Charter. The Liberian delegation had been one of the sponsors of the General Assembly resolution (1731 (XVI)), referring that question to the Court; the Liberian Government had therefore welcomed the advisory opinion. He appealed to all Members to accept that and all other opinions of the Court, for obedience to law should be the guiding standard in efforts to apply the principles of international law concerning friendly relations and co-operation among States. In that sense law included the United Nations Charter, the advisory opinions and judgements of the International Court, and all general multilateral treaty provisions not contrary to the Charter.

24. Since the world's hopes for peace were vested in the United Nations, any principles of international law that might be adopted to develop friendly relations and co-operation among States must be based on the Charter, which was the only covenant linking the nations of the world in their determination to achieve world peace. Those principles must be formulated without undue haste and in an atmosphere of mutual respect, so as to ensure respect for human, political and religious rights, territorial integrity, sovereign equality, justice and international law.

25. General Assembly resolution 1514 (XV) containing the Declaration on the granting of independence to colonial countries and peoples was a historic achievement of the United Nations, the universality of which could not be attained until all the peoples of the world were free. Enslaved people developed the mentality of slaves, and not until they gained their freedom could they help to fulfil the purposes of the United Nations. Of course the Declaration could not provide an immediate remedy for the many ills which had grown out of colonialism; the United Nations should continue to study the economic and social problems of the newly independent countries, since in that sphere co-operation and friendly relations might easily be hampered by international double-dealing.

26. The aspect of territorial integrity was covered by paragraphs 2 and 3 of the eleven-Power draft, which were based on Article 2, paragraph 2, of the Charter. In the belief that the topic was best approached by regulating relations among States from the point of view of the obligation to respect the territorial integrity and political independence of States and the obligation to settle disputes by peaceful means, he expressed the hope that all other delegations would be able to support the eleven-Power draft resolution.

27. Mr. MIRFENDERESKI (Iran) said that the threat of a thermo-nuclear cataclysm, suspended like the sword of Damocles over the head of mankind, endowed the present item with burning reality and vital interest. In the present state of the world friendship was a mere luxury, but co-operation was an urgent necessity, the very foundation of coexistence and an undeniable obligation of the Members of the United Nations. The co-operation of Members must be based on certain principles proclaimed in Article 2 of the Charter, in order to attain certain purposes set out in the Preamble and Article 1. The first principle stated in Article 2, the sovereign equality of all the Members of the United Nations, had been analysed with great clarity by the Turkish representative at the 757th meeting. The Iranian Government attached primary importance to it as, according to the Charter, the basis of the United Nations. Some considered it

6/ Certain expenses of the United Nations (Article 17, paragraph 2 of the Charter), Advisory Opinion of 20 July 1962: I.C.J. Reports 1962, p. 151.

an anomaly, because it did not correspond to the realities of the international community in which States were distinguished by their size, population, degree of development and power. However, it arose from the noblest of human aspirations—the burning desire of mankind for justice. It was the golden rule of the United Nations, forbidding discrimination and degrees of authority. By scrupulously respecting it the United Nations might one day honour the commitment it had assumed in the Preamble to the Charter to banish the threat of war and to promote social progress and better conditions of life in larger freedom.

28. The principle of sovereign equality was given practical form in Article 2, paragraph 2, of the Charter, stipulating that all Members, in order to ensure to all the rights and benefits resulting from membership, should fulfil in good faith the obligations assumed by them in accordance with the Charter. The first of the rights resulting from membership—a right inherent in the States' very existence—was undeniably the right to territorial integrity and political independence. In accordance with General Assembly resolutions 1541 (XV) and 1542 (XV), his delegation categorically refused to regard Non-Self-Governing Territories, in the sense of Chapter XI of the Charter, as integral parts of any State whatsoever. No legal artifice could make a geographically separate and ethnically or culturally distinct Territory an integral part of the country administering it. The Charter proclaimed the right of Member States to independence, but at the same time laid on them the duty to grant the same right to independent peoples. Article 1, paragraph 2, of the Charter numbered the right of self-determination among the appropriate measures to strengthen universal peace. Peace and the right of self-determination of peoples were indissolubly linked; the organic connexion between the two had recently been stressed by the General Assembly in its resolution 1542 (XV). The obligation to grant independence was therefore not only a moral precept and a political principle, but also a legal obligation which must be fulfilled in good faith.

29. It was true that on a strictly formal view General Assembly resolutions were not mandatory; for that reason it was often said that the Assembly could not legislate. International law, however, was an emanation of the will of the majority of States. That will, expressed in treaties or manifested in international customs, had always been considered the principle source of international law. It was difficult to see why a General Assembly resolution approved by an overwhelming majority should not constitute a source of international law, particularly as the Assembly, under Article 13, paragraph 1, of the Charter, was required to initiate studies and encourage the progressive development of international law and its codification. Progressive development could mean nothing less than the formulation of new rules. Even codification of international law, as Lauterpacht had said, must be substantially legislative. New rules reflecting present urgent needs could not coexist with outmoded rules representing requirements of a past age: lex posterior derogat priori.

30. The right to political independence and territorial integrity, which gave practical form to the principle of the sovereign equality of States, was supported by Article 2, paragraph 4, of the Charter, which expressly forbade the Members of the United Nations to resort to the threat or use of force to settle their international disputes. Those provisions, together with the obligation not to intervene in matters essentially within the domestic jurisdiction of any State, were the constituent elements of collective security. Collective security—the very "raison d'être" of the United Nations—had, with the adoption of the Charter, made an enormous advance, but primarily a legal one. If collective security was to become effective, it must be established on a firm basis. The problem was twofold: its political and technical aspect was disarmament, its legal aspect the settlement of international disputes. Disarmament and similar problems, such as the prohibition of war propaganda, which were part of the political and technical aspect of collective security, fell outside the jurisdiction of the Sixth Committee. As a legal body the Committee should deal primarily with the principles of international law on which collective security was founded, and there the pacific settlement of disputes was the foremost problem. Collective security had two sides: prohibition of resort to the threat or use of force to settle international disputes; and the express obligation to settle international disputes by peaceful means. There was obviously an inequality between the two, the first having been rather thoroughly regulated while the second remained far behind. The provisions of Chapter VI of the Charter, which had often been called vague and inconsistent, in many cases did not give States Members of the United Nations, especially those of small and medium size, the means of ensuring recognition and respect of their rights. The settlement of disputes was therefore the side which more required legal development. So long as the settlement of international disputes remained embryonic, and until appropriate and effective methods were devised, wilfulness and bad faith in the international community could not be replaced by the rule of law.

31. Some sceptics regarded the advent of the rule of law in the international community as a fantasy; but his delegation firmly believed in it. The evolution of international law gave ground for hope. International law, which had begun to take form in the sixteenth century with the appearance of the sovereign State on the international scene, had paradoxically been opposed from the beginning by that sovereignty. For centuries it had attacked the dogma of sovereignty, and had extended its jurisdiction to cover more and more subjects formerly reserved to the State. In fact, its encroachments upon sovereignty were manifold. The right of resort to force, formerly one of the essential attributes of sovereignty, no longer existed today. The concept of human rights was a victory of law over sovereignty. The area reserved to the State was being gradually restricted in economic, financial and social matters. An entire system of law, sometimes called international administrative law, was growing steadily. Obviously, however, the principal obstacle to the advent of the rule of law in the international community lay in the reluctance of States to submit to an international jurisdiction. It was indeed paradoxical that some States, which declared themselves progressive and posed as champions of order and international collaboration, refused to accept the authority of a judge, so that they might interpret their international obligations as they chose. Acceptance of the compulsory jurisdiction clause of the Statute of the International Court of Justice by a majority of States would clearly

be an advance in the development of law. His delegation was pleased to note that a clause conferring jurisdiction on the Court in disputes concerning interpretation or application had been included in various treaties of economic co-operation and development recently concluded between developing countries and economically more advanced nations. Economic co-operation between developing and developed nations was an essential element, if not the pivot, of the present international order. The prosperity and peace of the world depended to a large extent on that co-operation, in which it was encouraging to see the International Court of Justice given an important part to play. The influence of the Court in the international community was, however, closely linked with the progressive development of international law. The Court's authority and prestige would depend largely, so far as the new States were concerned, on the real value of the rules it applied.

32. Draft resolution A/C.6/L.507 and Add.1-3 reflected to a large extent his delegation's attitude towards the rule of law. It would therefore vote for that draft resolution, while acknowledging the great academic value of the declaration contained in the Czechoslovak draft resolution (A/C.6/L.505). It had not yet had time to study draft resolution A/C.6/L.509, on which it would comment later.

33. Mr. JIMENEZ (Philippines) said that the issue before the Committee was simple: either it would recommend to the General Assembly a declaration of general principles such as that contained in the Czechoslovak draft resolution (A/C.6/L.505), which had been called by some delegations too ambitious; or it would recommend consideration of certain specific principles as a starting point, as proposed in the eleven-Power joint draft resolution (A/C.6/L.507 and Add.1-3), which some delegations thought too narrow in scope.

34. His delegation preferred the latter proposal, since it felt that a specific and canalized, rather than a general, approach would be more practical. Some delegations had submitted a draft resolution (A/C.6/L.509) containing a declaration of general principles with certain specific topics for discussion; but although that seemed to represent a compromise between the two other proposals before the Committee, it might be difficult to achieve unanimity in selecting the specific topics to be discussed first. He appreciated the interest of certain delegations in putting forward a declaration of general principles, but felt that the challenge would be so great as to negate what the Committee wished to achieve. On the other hand, to limit the preliminary work to a few principles might clear the way for further exploration. Draft resolution A/C.6/L.507 and Add.1-3 was based squarely on the Charter and was directly concerned with the suppression of acts of aggression and other breaches of the peace. It also took into account the emergence during the last decade of many new States, which would undoubtedly have useful contributions to make to the further development of international law. More than the older States, they needed a world-wide rule of law within which their independence would be secure and which would protect them in their attempt to accelerate their economic and social development in conditions of freedom and stability.

35. The progressive liquidation of colonialism, a historical phenomenon which had doubled the membership of the United Nations during the past decade, had created new and unprecedented problems in international relations, not only political but also economic and social. In the political field there was a great need to strengthen the principle of equal rights and self-determination of peoples, whereas in the economic and social fields whole new categories of obligations were being undertaken by the United Nations to raise living standards in the developing countries. The extension of international assistance for development, however, often involved sensitive questions of national sovereignty, and for that reason it was important to establish generally acceptable international rules of law. Encouragement of the growing relationship between the highly-developed and the developing nations under international law was one of the most important and creative tasks of the international community.

36. That was the task laid down in draft resolution A/C.6/L.507 and Add.1-3. Proceeding from the incontestable premise that the rule of law was essential for the attainment of the purposes of the United Nations, it recommended further studies on the solemn obligations of States to settle their disputes peacefully and to respect each other's independence and territorial integrity. On the observance of those two obligations, which had already been proclaimed at the Bandung Conference,[1] the development of friendly relations and co-operation among States mainly depended. The draft resolution emphasized the active duty of States to comply with those obligations, and in that sense its implications went beyond the comparatively passive concepts of non-aggression and non-intervention.

37. On a long view, the United Nations perhaps had no more important task than to strengthen and develop the fabric of international law upon which the security and well-being of the international community must be based. The great aims of the United Nations could be achieved only in a world prepared to live under a rule of law in conformity with the Charter.

38. Mr. ANOMA (Ivory Coast) said that the world was confronted with the choice between war and peace. While peace was obviously the general goal, the difficulty was to ensure a peace that would be permanent and fruitful, and lead to friendly relations and co-operation among States. That presupposed the political, economic, social and cultural interdependence of States, which could only be guaranteed by legal interdependence, by rules of international law which would enable States to define their respective rights and obligations. In general those rules were worked out at international conferences, where experts and technicians played a more important part than moralists and philosophers; and they resulted from mutual concessions. Proper stress, however, should be laid on the obligatory nature of the rule of law. Throughout history, nations had made numerous efforts to regulate their relations through treaties; but the question always arose of how long a treaty was binding. The answer must depend on the good faith of nations. In 1914 Imperial Germany had invaded Luxembourg and Belgium, thereby violating a neutrality which had been guaranteed by Germany itself in a succession of treaties concluded in the nineteenth century. Equally well known were the acts

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

of aggression committed by Nazi Germany in 1939 after it had openly violated the provisions of the Treaty of Versailles for years. No party to a bilateral or multilateral treaty was entitled to break that treaty unless it had expressly reserved the right to do so in the treaty itself. The principle of pacta sunt servanda should be respected, and treaties should be carried out in good faith.

39. Justice, however, should always prevail over injustice, and the rule of law over the rule of force. In the First World War, for example, Italy though united with Germany and Austria-Hungary in the Triple Alliance, had remained neutral without violating its obligations, since its Government had declared that a State could refuse to carry out the conditions of a treaty of alliance if its allies engaged in an unjust war. Aggression and the preparation of aggression were rightly considered war crimes. That idea had first found practical expression in the judgement of the Nürnberg Tribunal in 1946. His delegation, however, preferred judgements that were handed down before wars and helped to prevent them. For that reason it firmly believed that all international disputes should be brought before the International Court of Justice, which because of its balanced composition, sound procedure and great legal knowledge could be a powerful force in preserving peace and developing the idea of the equality of nations. As, however, the representative of Poland had rightly observed (769th meeting), it was impossible to separate politics from international law. The idea of international public order, which was as old as St. Augustine's City of God, depended on the execution of treaties in good faith. When that order was disturbed by a State, the intervention of the entire international community was necessary. Thus Article 11 of the Covenant of the League of Nations had stated that any war or threat of war, whether immediately affecting any of the Members of the League or not, was a matter of concern to the whole League. The same thought was echoed in Chapter VII of the Charter of the United Nations. International law had evolved in both time and space: in time it had passed through successive stages of history, in space it had come to include not only Europe and America but also Asia and Africa. The new countries of Africa, in particular, were eager to make what contribution they could to the development of international law in order to inaugurate the reign of universal brotherhood in peace, justice and freedom.

The meeting rose at 5.35 p.m.

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