



Chairman: Mr. Paul Bamela ENGO (Cameroon).

*Statement by the Chairman*

1. The CHAIRMAN stressed the point that only in so far as the twenty-fifth session of the General Assembly was the occasion for United Nations Members to rededicate themselves anew to the realization of the aims and principles of the Charter would it mark an epoch in the Organization's history. The major problem which existed at the present time was that of the attainment of peace. It was unrealistic, in fact, to talk of the maintenance of peace while that peace had never been attained. Peace should not be defined merely as the absence of war or open conflict, but also as the condition under which the elements were present that made war and all forms of conflict impossible. The peace which should be established required the active promotion of friendly and peaceful relations among peoples, the peaceful settlement of disputes, an international order governed by justice in the political, economic and social spheres, the universal and effective respect for human rights and the dignity of the human person, the equal rights of men and women and of nations large and small, the primacy of law, social advancement and the reign of liberty. In all those areas, international co-operation was essential to the attainment of peace. That concept of peace differed in no wise from that expressed in Articles 1 and 2 of the Charter.

2. Unfortunately, that concept was not universally accepted or applied. Thus the absence of war continued to give the illusion of peace. Although the quarter of a century which had just elapsed had not seen the type of generalized conflict that had shaken mankind during the two world wars, the comparatively smaller battles which had marked that period had together brought greater tolls of death, destruction and suffering. The whole world was tormented by hatred and mistrust, and the young people were beginning to give strong expression to their indignation at the slow pace at which the changes necessitated by the evolution of the contemporary world were taking place. Modern society appeared to have made man lose the taste for peace. In his own view, that fact was due to the rejection or ignoring of the concept of peace developed in the Charter. To establish peace it was essential to feed the hungry, offer freedom to the oppressed, organize international co-operation in such a way as to fill the gap between rich and poor nations, halt the arms race and devote the funds thus released to the welfare of mankind.

3. Those considerations were not alien to the work of the Sixth Committee. The Committee was an integral part of the United Nations and it had a duty, particularly during the current commemorative session, to concern itself with

the state of the community for which it sought to develop law and promote order; it had a duty to investigate the reasons for the ineffectiveness of some of the rules which it helped to establish; it had a duty to reflect on the role of international law in a troubled world; it had a duty to examine the orientation of the norms of international law in the light of the processes of change in the community of nations.

4. The present generation was a pioneering one with very little precedent to go by. The task of the jurist was indeed difficult. On the one hand, he had to take account of the decisions adopted by political, economic and social bodies whose values did not always accord with his own aspirations; on the other hand, scientific and technological advances brought with them a change in structures and ideas, and an intensification of international activities. It thus happened that in some cases the jurist was called upon to modify a rule of law before it had had time to win universal recognition. In others, scientific and technological advances had led to the formulation of new principles and norms, as had happened at the conferences on the peaceful uses of outer space and on the sea-bed and ocean floor. In still other cases the jurist had been called upon to codify, and in some instances progressively to develop, existing principles and norms.

5. In the absence of a universally recognized world order, the harmonization of international law and national law also posed a serious problem, since a certain traditionalist school of thought drew the distinction between the two kinds of law with such emphasis that it could only be hoped at best that a relationship of interdependence could be established between them.

6. Since its creation, the Sixth Committee had made a tremendous contribution to the progressive development and codification of international law, and hence to the building of peace. That fact was clearly illustrated by the formulation of prohibitive rules, such as rules prohibiting the threat or use of force. As far back as its first session, the General Assembly,<sup>1</sup> on the Sixth Committee's recommendation, had affirmed the principles of international law recognized by the Charter of the Nürnberg Tribunal. Central to those principles was the proposition that aggressive war was an international crime for which those responsible should be punished. During the current session, the Sixth Committee would be called upon to consider perhaps the most important body of legal principles since the Charter was promulgated, namely, the draft Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States,<sup>2</sup> which had been

<sup>1</sup> See resolution 95 (I).

<sup>2</sup> See *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 18*, para. 83.

prepared at sessions of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, held between 1964 and 1970. It was to be hoped that the draft Declaration would be adopted without objection by the Sixth Committee and the General Assembly during the days ahead.

7. The Sixth Committee had also done important work in other fields. In that connexion, he drew attention to the Convention on Special Missions, the Vienna Conventions on Diplomatic Relations and on Consular Relations, the draft articles concerning relations between States and international organizations, the Vienna Convention on the Law of Treaties, and the work undertaken in the field of international trade law and the law of the sea.

8. Reverting to the draft Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States, he pointed out that that document spelled out more precisely than the Charter the obligations of States to co-operate in maintaining international peace and security and promoting universal respect for human rights and concerted action in the economic, social, cultural, trade, scientific and technological fields.

9. In conclusion, he reaffirmed his conviction that the law existed to be respected. It was not sufficient to codify and develop law progressively; States must also have the political will to abide by it. The Committee members should not only concern themselves with preventing violence but should also, in the words spoken at the 1839th plenary meeting by Mr. Hambro, the President of the General Assembly, “deal with those basic faults of contemporary society which lead men to violence in desperation over their condition”. In that spirit, he urged the Committee members to remind the international community of the crucial necessity of upholding the rule of law.

#### *Election of the Vice-Chairman*

10. Mr. DEBERGH (Belgium) nominated Mr. Piet-Hein J. M. Houben (Netherlands) as Vice-Chairman.

11. Mr. ALCÍVAR (Ecuador), Mr. SECARIN (Romania) and Mr. KLAFKOWSKI (Poland) supported the nomination.

*Mr. Houben (Netherlands) was elected Vice-Chairman by acclamation.*

#### *Election of the Rapporteur*

12. Mr. HOUBEN (Netherlands) nominated Mr. Hisashi Owada (Japan) as Rapporteur.

13. Mr. VALLARTA (Mexico), Mr. NJENGA (Kenya), Mr. ZAVOROTKO (Ukrainian Soviet Socialist Republic) and Mr. ESPEJO (Philippines) supported the nomination.

*Mr. Owada (Japan) was elected Rapporteur by acclamation.*

#### *Organization of the work of the Committee (A/C.6/400, A/C.6/L.792)*

14. The CHAIRMAN proposed that the Committee adopt the order of consideration of agenda items suggested by the Secretariat (A/C.6/L.792, para. 8), changing the position of items 96 and 91, which could be considered in that order immediately following item 87.

15. Mr. ALCÍVAR (Ecuador) submitted that item 85, relating to the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which the Secretariat had suggested the Committee should consider first, concerned a question of extreme difficulty. The draft Declaration to be submitted to the Committee would, if adopted, involve States in political as well as legal commitments. However, it was not until recently that Committee members had been able to obtain the Committee's report, and they had not had time to give it the attention it required. His delegation would be unable to support the draft Declaration until after it had consulted its Government, and therefore took the view that it would be inadvisable to give priority to the consideration of item 85 and also felt that more meetings should be devoted to that item.

16. The CHAIRMAN pointed out that the General Committee of the General Assembly had recommended (A/8100, para. 5) that item 85 should be given priority consideration. However, one or two additional meetings might be devoted to it if the members of the Sixth Committee and the Secretariat had no objection.

17. Mr. ALCÍVAR (Ecuador) said that if it was decided to consider item 85 first, his delegation would be forced to reserve its vote and its position on that item.

18. The CHAIRMAN stated that if there were no objections, he would take it that the Committee wished to adopt the order of consideration of items suggested by the Secretariat, as amended.

*It was so decided.*

*The meeting rose at 5.10 p.m.*