



Seventeenth session  
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

Report of the Sixth Committee

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Introduction

1. The General Assembly, at its 1129th plenary meeting on 24 September 1962, placed on the agenda of its seventeenth session an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" and decided to allocate it to the Sixth Committee.
2. The Sixth Committee examined this agenda item at its 753rd to 774th meetings, from 5 November to 5 December 1962, and at its 777th meeting, on 12 December 1962.
3. The Secretary-General submitted a note (A/5192) reviewing the historical background of the item.
4. This report is in two main parts; part I relates to the agenda item proper and part II to a related question, raised during the discussion, concerning technical assistance to promote the teaching, study, dissemination and wider appreciation of international law.

I

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY  
RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER  
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Proposals and amendments

5. Czechoslovakia submitted a draft resolution (A/C.6/L.505) proposing that the General Assembly should proclaim a declaration of principles of international law concerning friendly relations and co-operation among States. The draft declaration contained the following nineteen principles: (1) the obligation to take measures for the maintenance of peace and international security; (2) the principle of peaceful settlement of disputes; (3) the principle of prohibition of the threat or use of force; (4) the principle of prohibition of weapons of mass destruction; (5) the principle of general and complete disarmament; (6) the principle of prohibition of war propaganda; (7) the principle of collective security; (8) the principle of State sovereignty; (9) the principle of territorial inviolability; (10) respect for the independence of the State; (11) the principle of sovereign equality; (12) the right of the State to participate in international relations; (13) the principle of non-intervention; (14) the right of self-determination; (15) the principle of the elimination of colonialism in all its forms; (16) the principle of respect for human rights; (17) the principle of co-operation in the economic, social and cultural fields; (18) the principle of the observance of international obligations; and (19) the principle of State responsibility. The nineteen principles were accompanied by commentaries and were divided into three sections. Section I comprised principles 1 to 7; section II, principles 8 to 13; and section III, principles 14 to 19.

6. Bolivia submitted an amendment (A/C.6/L.511) to the Czechoslovak draft resolution (A/C.6/L.505), to add at the end of the commentary on principle 11, that of sovereign equality, a phrase to the effect that no reasons could limit the capability of the State "to develop to the full the possibilities offered by its natural resources".

7. Another draft resolution (A/C.6/L.507 and Add.1-4) was submitted by Cameroon, Canada, Central African Republic, Chile, Dahomey, Denmark, Japan, Liberia, Nigeria, Pakistan, Sierra Leone and Tanganyika. This draft resolution proposed that the General Assembly should: (1) affirm that the rule of law is essential for the achievement of the purposes of the United Nations, particularly the development of friendly relations and co-operation among States based on respect for the principles set forth in the Charter of equal rights and self-determination of peoples and of the sovereign equality of all Member States; (2) affirm also that the Charter is the fundamental statement of principles of international law governing friendly relations and co-operation among States, notably, the obligation to respect the territorial integrity and political independence of States and the obligation to settle disputes by peaceful means; (3) resolve to consider, in relation to specific principles of international law of immediate and universal concern such as those referred to in paragraph 2, the development of the rules of international law and international procedures with a view to the more effective application of those principles; (4) decide accordingly to inscribe on the provisional agenda of its eighteenth session the topics of the obligation to respect the territorial integrity and political independence of States and of the obligation to settle disputes by peaceful means; and (5) request the Secretary-General to invite Member States to transmit written comments concerning the topics referred to in paragraph 4, and to communicate those comments to Member States before the beginning of the eighteenth session.

8. A revised text (A/C.6/L.507/Rev.1 and Rev.1/Add.1) was submitted by the same Powers, with Colombia and Congo (Leopoldville). The revision consisted of (1) adding three new paragraphs to the preamble, and (2) re-drafting operative paragraphs 3, 4 and 5 to read as follows:

"3. Resolves to consider, in relation to specific principles of international law of immediate and universal concern the progressive development of the rules of international law and international procedures with a view to the more effective application of those principles;

"4. Decides accordingly to inscribe on the provisional agenda of its eighteenth session the topics of the obligation to respect the territorial integrity and political independence of States and of the obligation to settle disputes by peaceful means; and decides to consider before the close of, and in the light of its experience at, its eighteenth session what further topic or topics within the general field of friendly relations and co-operation among States which they deem appropriate for inscription on the agenda of sessions of the General Assembly at its nineteenth and subsequent sessions and what methods of work should be followed in studying such topics.

"5. Requests the Secretary-General to invite Member States to transmit written comments concerning the topics referred to in paragraph 4, and suggestions as to additional legal topics which might be added to the provisional agenda of its nineteenth and subsequent sessions and what methods of work should be followed in studying such topics and to communicate those comments and suggestions to Member States before the beginning of the eighteenth session."

9. Afghanistan, Algeria, Cambodia, Ceylon, Ethiopia, Ghana, India, Indonesia, Mali, Morocco, Somalia, Syria, the United Arab Republic and Yugoslavia also submitted a draft resolution (A/C.6/L.509 and Add.1 and 2). Under this draft resolution the General Assembly would declare that relations among States and nations should be governed by the following principles: (1) abstention from the threat or use of force; (2) settlement of international disputes and differences by negotiations and other peaceful means; (3) co-operation in all spheres of international relations; (4) the right of peoples to self-determination; (5) the right of States to sovereign equality; and (6) the duty of States to respect and carry out their obligations under treaties and other sources of international law in accordance with the purposes and principles of the United Nations.

10. The same Powers submitted a revised draft resolution (A/C.6/L.509/Rev.1). Apart from some drafting changes in the preamble, the revision affected the beginning of the operative part, under which the General Assembly would "reaffirm" instead of "declaring" that the six principles enumerated in the resolution should govern relations among States. The revision also included the addition of the following two operative paragraphs:

"2. Decides to place the item 'Consideration of Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations' on the provisional agenda of its eighteenth session for the purpose of further study and elaboration of the principles set forth above;

"3. Invites Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestion they may have on this question, and requests the Secretary-General to communicate those comments to Member States before the beginning of the eighteenth session."

11. Bolivia submitted an amendment (A/C.6/L.512) to the fourteen-Power draft resolution (A/C.6/L.509 and Add.1 and 2), proposing the insertion of the words "paragraph 1 of this declaration and" before the words "the purposes and principles of the United Nations" in principle 6.

12. Afghanistan, Algeria, Cambodia, Cameroon, Canada, Ceylon, Central African Republic, Chile, Congo (Leopoldville), Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Ghana, Greece, Hungary, India, Indonesia, Iran, Japan, Liberia, Mali, Mongolia, Morocco, Nigeria, Pakistan, Philippines, Poland, Romania, Sierra Leone, Somalia, Syria, Tanganyika, Turkey, United Arab Republic and Yugoslavia also submitted a draft resolution (A/C.6/L.524 and Corr.1 and Add.1), identical in text with draft resolution I which appears in paragraph 97 of this report.

13. At the request of the Permanent Representative of Czechoslovakia to the United Nations, a statement by the Government of the German Democratic Republic on the item under discussion was circulated in document A/C.6/L.513.

### III. DEBATE

#### (1) General considerations

14. The importance of the subject was stressed by the representatives who spoke on this item. Many representatives stressed that the means of destruction were at present so powerful that a general conflict might end in the extermination of mankind. It was therefore increasingly imperative to maintain and strengthen international peace, and one of the means of achieving that end was the development of international law.

15. Some representatives recalled that the question had been placed on the agenda of the present session partly as a result of a movement within the Sixth Committee for strengthening the role of international law in the maintenance of international peace and security. This movement had led to the adoption by the General Assembly of resolutions 1505 (XV) of 12 December 1960 and 1686 (XVI) of 18 December 1961. These representatives pointed out that the Sixth Committee

had an opportunity to make an effective contribution to the codification and progressive development of international law in accordance with Article 13 of the Charter, without encroaching on the work of the International Law Commission or duplicating the activities of the Commission or other United Nations organs.

16. Many representatives emphasized the paramount importance of the Charter, respect for its principles and the attainment of its purposes. The Charter was the basic instrument stating the principles of international law governing friendly relations and co-operation among States, for in the terms of the Charter, the peoples of the United Nations were determined to practise tolerance and live together in peace with one another as good neighbours.

17. It was the view of some representatives that the Charter, while it continued to be the basic instrument, was not sufficient, for the rule of law was an essential condition of the attainment of the purposes and principles of the United Nations. The concept of the rule of law implied that law was not a tool of policy, and that political organs should be subject to the rule of law, like other organs of the State. Experience showed that it was only when States agreed to settle their disputes by legal means and respect the rights of other States that friendly relations and co-operation among them could really be established.

18. These representatives also considered that the progressive development of international law was an indispensable precondition to bringing about the reign of justice and of respect for obligations arising from treaties and other sources of international law. While the rule of law was founded on stability and was itself a stabilizing factor, it was not, however, a simple affirmation of the status quo. The many new States which had become Members of the United Nations in the last few years had been confronted with a pre-existing social, political and economic order based on well-established rules and principles of international conduct. These new nations could not be expected to accept these rules and principles as irrevocable. Some areas of international law were in need of revision and development, so that these new States might make their contribution and so that the law would be more conducive to social progress and co-operation among States.

19. However, all the rules of customary international law, the product of several centuries of experience, could not be ignored in the progressive development of

international law. Moreover, the process of development should be based on the free consent of the international community as a whole and should take due account of the needs of all its members. This process was slow, but slowness was preferable to hasty action resulting in the formulation of rules which were not universally respected, and which would thus prejudice the authority of the law as a whole.

20. Other representatives believed that the world's survival depended on its ability to find means of ensuring peace among all States, whatever the differences in their political, economic and social systems. Relations among States accordingly should be based on the principle of peaceful coexistence, which was an essential feature of the modern age and the only means of ensuring a lasting peace and establishing friendly relations among nations.

21. The principle of peaceful coexistence was at the basis of contemporary international law. It had found expression in the establishment of the United Nations, whose Charter was based on an awareness of the common interest which all nations had in the maintenance of international peace and security. To reject peaceful coexistence was, therefore, tantamount to challenging the purposes and principles of the United Nations and the categorical nature of general international law, and to justifying the cold war and the policy of "positions of strength", both of which were an evil and a threat to mankind.

22. Furthermore, the fact that peaceful coexistence was one of the fundamental concepts of the United Nations was reflected in the unanimous adoption of many General Assembly resolutions recognizing the idea of peaceful coexistence, such as resolutions 1236 (XII) of 14 December 1957 on peaceful and neighbourly relations among States, 1301 (XIII) of 10 December 1958 on measures aimed at the implementation and promotion of peaceful and neighbourly relations among States, and 1495 (XV) of 17 October 1960 on co-operation of Member States.

23. Other representatives said that the term "peaceful coexistence" did not have a definite and generally accepted meaning; it was an essentially political concept and, moreover, an ancient one, which did not constitute either a principle of positive international law or a general principle of international law. The replacement of the term "peaceful coexistence" by the expression "friendly relations and co-operation among States in accordance with the Charter of the United

Nations" in resolution 1686 (XVI) had settled the question. Even if it was admitted that peaceful coexistence was a principle, it was neither new nor different from the principles of the Charter; in addition, the proponents of "peaceful coexistence", in contending that rejection of that principle was tantamount to challenging the purposes and principles of the United Nations, were in effect identifying "peaceful coexistence" with the Charter and even with general international law.

24. In reply, some representatives pointed out that at all times international law had been the law of coexistence and that only its character and its substance had changed in the course of history. Moreover, this question of semantics was secondary, and the countries which had proposed the term had given proof of their desire to coexist by accepting the replacement of "peaceful coexistence" by the expression used in the title of the agenda item.

25. Some representatives held, furthermore, that coexistence should be not only peaceful but active. Thus interpreted, the term "peaceful and active coexistence" was synonymous with "friendly relations and co-operation among States", since "peaceful coexistence" was analogous to the idea of friendly relations and "active" coexistence, to the concept of co-operation among States.

26. Some representatives stated that the argument that "peaceful coexistence" was more a political than a legal concept was not convincing, for there were few purely legal principles and international law in most cases could not be dissociated from social and political principles.

27. Other representatives point out that, while political co-operation was necessary, it was not enough, since the contemporary world was divided not only politically and ideologically but also into rich and poor nations, into developed and developing countries. The situation of the under-developed countries tended to worsen as a consequence of the rising price of manufactured goods and the declining price of primary products. As long as this gap existed, the essential conditions for peace and equilibrium would not be achieved. Accordingly, an appeal must be made to the collective responsibility of States and to international solidarity. Nations and individuals should practice solidarity and work for the common good.



28. Some representatives also stressed the importance of the principle of good faith in the fulfilment of international obligations; that principle was the very foundation of any international legal order, and there could be no truly friendly relations or real co-operation without it. The ethical and juridical quality of the principle of good faith must not reduce it to a mere abstraction, for it was a principle that should truly guide States in their conduct, particularly in their implementation of the United Nations Charter.

29. Two trends of thought had become apparent with regard to the most appropriate measures for applying resolution 1686 (XVI). The first, reflected in the Czechoslovak draft resolution (A/C.6/L.505), favoured as complete as possible a declaration of principles of international law. The second, represented by draft resolution A/C.6/L.507 and Add.1-4, while recognizing that none of the principles of the Charter could, a priori, be excluded from the discussion, considered that the General Assembly should restrict itself for the moment to developing and defining a few essential principles, while at the same time leaving the way clear for the future consideration of other principles and their ultimate incorporation in a draft declaration open for acceptance by States in accordance with their constitutional procedures. A compromise solution which emerged during the discussion took the form of draft resolution A/C.6/L.509 and Add.1 and 2. As this draft encountered opposition, another solution had to be sought. After a number of informal meetings held by the sponsors of the three drafts and various interested representatives, by representatives appointed by the sponsors and by the representatives of the sponsors together with some other representatives, draft resolution A/C.6/L.524 and Corr.1 and Add.1 took shape and was submitted by thirty-seven Powers.

(2) Discussion of the Czechoslovak draft resolution (A/C.6/L.505)

30. Several representatives supported the Czechoslovak draft as regards both its form and its substance. They were in favour of its postulate that the principle of "peaceful coexistence" had penetrated contemporary international law, the development of which was closely related to the radical changes in the

nature and structure of the international community. The General Assembly must therefore seek and formulate general rules of international law which would impose on States the obligation to live in peace and endeavour to establish friendly co-operation with each other. They maintained that the nineteen principles of the Czechoslovak declaration concerning friendly relations and co-operation among States would contribute to the formulation of such rules. That declaration was based on the purposes and principles of the Charter and took into account all the main factors of the political and juridical development of the international community. It appeared to be the most appropriate instrument for expressing the General Assembly's faith in the existence, the content and the influence of fundamental legal rules.

31. Those representatives noted that the first part of the declaration enunciated the basic principles of international law concerning the maintenance and strengthening of international peace and security. The second part was devoted to principles concerning the juridical status of States, for peaceful coexistence was inconceivable without respect for the principles of the sovereign equality of States within the international community. The main obstacle to peaceful coexistence was not sovereignty but the impairment of sovereignty and of other fundamental attributes of States. The third part, which dealt with the right of peoples to self-determination, the principle of the elimination of colonialism and other principles of importance to international coexistence and the establishment of economic co-operation, aimed at strengthening the progressive nature of international law and at giving the world stability and well-being, conditions indispensable to peace and friendly relations among States.

32. Several representatives, including some who did not support the Czechoslovak draft resolution, paid a tribute to the effort made in that draft to obtain as complete as possible a definition of peaceful coexistence through a synthesis of all the relevant elements.

33. Many other representatives, however, thought the Czechoslovak draft resolution too ambitious, since it dealt with practically all the matters

covered in the Organization's work and seemed to be aimed at rapid attainment of certain objectives in the field of the codification and progressive development of international law. Over-hasty adoption of the declaration might condemn it to the same fate as the Declaration on Rights and Duties of States drafted by the International Law Commission at its first session in 1949, consideration of which had been postponed by General Assembly resolution 596 (VI) of 7 December 1951 and which had been lying dormant ever since.

34. Still other representatives pointed out in this connexion that a number of the principles contained in the Czechoslovak proposal were already in the draft Declaration on Rights and Duties of States. Since only sixteen countries had submitted comments on the draft Declaration, they thought it would help discussion of the present item if Governments were again asked for their comments and if the question were submitted once more to the International Law Commission or the General Assembly.

35. Other representatives were of the opinion that the Czechoslovak draft resolution served no purpose, because international law could not be developed by drawing up a list of general principles of a political and moral nature and calling them legal rules. If new rules were to be formulated, they must be detailed provisions, clearly applicable to particular circumstances and acceptable to the whole international community.

36. Furthermore, in so far as the Czechoslovak draft was based on the principles of the Charter, it was doubtful whether there was really any purpose in restating those principles in the form of a declaration. By paraphrasing the obligations laid down in the Charter, the draft Declaration might distort its meaning, and any attempt to add to the Charter situations for which it did not now provide would be to go so far beyond the limits within which agreement was possible as to enter the realm of propaganda.

37. Some representatives also maintained that the adoption of a declaration by a resolution of the General Assembly was not a method of creating international law, since it did not bind Members of the Organization. The fact that the

General Assembly had adopted declarations in other fields was no argument, given the nature of international law and its present stage of development.

38. Some representatives said that the concept of a "principle of international law" needed to be clarified and that as clear a distinction as possible should be made between genuinely legal principles and those which were mainly of a moral nature.

39. Representatives also criticized particular principles in the Czechoslovak draft. Thus it was pointed out that principles 4 (prohibition of nuclear weapons), 5 (general and complete disarmament) and 6 (prohibition of war propaganda) came within the competence of other United Nations bodies and would be better left to them, that principles 2 (peaceful settlement of disputes) and 12 (right of States to participate in international relations) were incompatible with the provisions of the Charter, and that principle 14 (right of self-determination) raised problems with regard to the definition of certain concepts, because of their vague and general character. Principle 15 (elimination of colonialism in all its forms) was considered unacceptable in its present form, and it was said that principle 16 (respect for human rights) would scarcely encourage States to accept the specific obligations stated in the draft Covenants on Human Rights, since they would be able to use the declaration to avoid entering into any real commitments.

40. Some representatives felt that the declaration laid too much stress on the idea of sovereignty and completely disregarded the role which the international organizations could play.

41. Other representatives replied that the Czechoslovak draft was not a collection of abstract propositions, but a reflection of the present state of international affairs and of the extent to which the world had become law-minded. The first part of the draft contained only principles which were stated in the Charter or which derived directly from it. The second part set forth the democratic principles of classical international law as they could and should be applied in the modern world. The third part reaffirmed the right of

self-determination in accordance with Articles 1 and 2 of the Charter. They maintained that it was necessary to state all the principles relating to friendship and co-operation instead of limiting oneself to one or two principles, however important they might be.

42. There were representatives who argued that some of the principles stated in the Czechoslovak draft were not merely a repetition of the principles set forth in the Charter; many changes had taken place since 1945, so that some principles of the Charter needed to be amplified and others to be studied from a new angle. Certain principles, such as the right of self-determination, which had barely been formulated in 1945, had become an established part of legal theory. The ideas expressed in Chapters XI, XII and XIII of the Charter no longer sufficed, and as a result the Assembly had had to adopt the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)). The principles of independence and sovereign equality in international relations had taken on a new significance because nowadays political independence was not possible without economic independence. The General Assembly had already recognized that fact by adopting resolution 626 (VII) on the right to exploit freely natural wealth and resources. Article 26 of the Charter, on the regulation of armaments, dated from before the atomic era and had to be given a wider and more modern interpretation.

43. Some representatives made the point that a declaration, although lacking in any obligatory force, would have great psychological value; it would be a guide and a source of inspiration for States, peoples and individuals. To spread knowledge of the declaration and instruct the public in its contents could not fail, in the long run, to form opinion; that declaration would play the same role in relations between States as the Universal Declaration of Human Rights in the field of individual rights.

(3) Discussion of draft resolution A/C.6/L.507

44. Various representatives agreed with the idea contained in draft resolution A/C.6/L.507 (see paragraph 7 et seq.) that the rule of law was essential for the achievement of the purposes of the United Nations, particularly the development of friendly relations and co-operation among States based on respect for the principles set forth in the Charter of equal rights and self-determination of peoples and of the sovereign equality of all Member States.

45. The same representatives also endorsed the affirmation that the Charter was the fundamental statement of principles of international law governing friendly relations and co-operation among States, notably, the obligation to respect the territorial integrity and political independence of States and the obligation to settle disputes by peaceful means. They stated that such principles were of immediate and universal concern and that it would be useful for the Sixth Committee to deal with them.

46. A number of representatives thought that the principle of the peaceful settlement of disputes, which had been the preoccupation of international lawyers since the beginning of the century, had unfortunately not been as widely applied in practice as it should be. The Committee should therefore consider suitable, modernized, complete and universally accepted methods and procedures to ensure a wider application of that principle and increase its effectiveness, since it was very closely linked with disarmament problems. Some representatives specified the condition that the peaceful settlement of disputes should be based on the right to self-determination, the principle of sovereign equality (including its economic aspects) and the principle of non-intervention.

47. Some representatives said that the compulsory jurisdiction of the International Court of Justice was essential for the existence of the universal rule of law and that a study should therefore be made of how all Member States could be brought to use the Court more widely. So far only a very small number of States had accepted the compulsory jurisdiction of the Court and the numerous conditions subject to which they had done so showed that the effect of the

declarations of acceptance was limited. The situation was even less satisfactory as regards the settlement of disputes concerning the interpretation and application of general multilateral treaties.

48. Other representatives emphasized that the Committee should consider methods of settlement, other than judicial means, as envisaged in Article 33 of the Charter. For example, it was suggested that a permanent international organ of inquiry should be created. Such a body, which would offer the necessary guarantees of impartiality and competence, would certainly facilitate the conclusion of agreements between States and would make it possible to avoid or to settle disputes.

49. Several representatives thought that there should not be too long a list of topics to be considered, so that the Committee would not be bound for years by a programme of work which would deprive it of its freedom of action; they likewise felt that all political and legal questions already examined by other United Nations organs should be disregarded. The principles referred to in draft resolution A/C.6/L.507 were those which were the least controversial and, for that reason, were perhaps the best ones to start with.

50. Although they acknowledged the importance of the principles which draft resolution A/C.6/L.507 proposed should be studied, some representatives did not agree that the study should be restricted to certain principles only. A discussion in those conditions would be sterile and would give a false impression of the other principles by implying that they were no longer topical. For example, the draft resolution did not mention complete decolonization, although the disappearance of the colonial system was the great event of the present epoch. Consideration should therefore be given to all the general principles of international law relating to peaceful coexistence among States.

51. Some representatives also said that the principle of the right of peoples to self-determination, proclaimed in the Charter and developed in resolution 1514 (XV) "Declaration on the granting of independence to colonial countries and peoples" of 14 December 1960 should have been given greater emphasis in draft resolution A/C.6/L.507.

52. Various representatives who considered that the Czechoslovak draft resolution was over-ambitious thought that draft resolution A/C.6/L.507 was too

limited and that other principles not mentioned in that draft resolution deserved study. Among those principles, in addition to decolonization, were respect for human rights, the legal equality of States and the observance of treaties.

53. Some representatives would have preferred the draft resolution at least to say that, after taking up the two topics suggested, the Assembly would continue its work on other topics. The sponsors of the draft resolution took that preference into account by including in their revised text the possibility of considering at the next session what further topic or topics should be included in the agenda of subsequent sessions.

54. Some representatives pointed out that draft resolution A/C.6/L.507, like the Czechoslovak draft resolution, reflected a political or legal tendency that was open to criticism. The draft resolution was based on the notion of the rule of law which was embodied in Anglo-Saxon domestic law and for which there was no exact translation in the other languages. The discrepancies between the terms used in various countries reflected real differences of substance. It was therefore inappropriate to apply that idea to international law and still less appropriate to make it the central point of a resolution of the General Assembly.

#### (4) Discussion on draft resolution A/C.6/L.509

55. The draft resolution (A/C.6/L.509) (see paragraphs 9 et seq.) was put forward as the middle way between an unduly ambitious programme and excessive perfectionism of legal technique. It enumerates six fundamental principles which should govern relations among States, in accordance with the Charter of the United Nations, against the background of the main problems which require solution by the proper application of those principles.

56. Of the representatives who supported the draft resolution, some recognized that the application of a few basic principles would be a difficult matter, for every right was accompanied by a duty and the rights and duties would require skilful formulation of they were not to conflict with one another. However, the draft resolution provided a sound basis for discussion.



57. Several representatives felt that the draft resolution raised the same delicate problems as the Czechoslovak draft resolution and was open to the same objections. In their view, it amounted to a declaration of the rights and duties of States, which would very likely meet with no better fate than the many texts drafted on the subject in the past and which, furthermore, the Sixth Committee had no instruction to prepare at the present time.

58. Some representatives found it disturbing that, while the principles embodied in the draft resolution were taken from the Charter, there were appreciable discrepancies in the drafting; the adoption of the draft resolution might be interpreted as an implicit revision of the Charter carried out in a manner at variance with its Articles 108 and 109.

(5) Discussion on the thirty-seven-Power draft resolution

59. The thirty-seven-Power draft resolution (A/C.6/L.524 and Corr.1 and Add.1) (see paragraphs 12 et seq.) was submitted as essentially a compromise solution, arrived at after long and difficult discussion and designed to gain general acceptance by the Committee without sacrificing positions of principle. While it was not perfect and did not really fulfil the originally entertained hopes, the text would nevertheless allow the General Assembly to undertake a task whose importance could not be overestimated.

60. Most of the representatives who spoke on this point expressed satisfaction at the successful outcome of the efforts made to reach agreement.

61. However, the draft resolution was criticized on various grounds of both form and substance.

62. Some representatives said that the enunciation of Charter principles in the draft resolution should not be interpreted to mean that those principles were necessarily principles of international law; they were rather principles on which international law was based.

63. One representative criticized as of no legal validity the distinction drawn in the operative part of the draft resolution between the principles and the duties deriving therefrom.

64. Some representatives took exception to the order in which the principles were enumerated as being liable to give the impression, on comparison with the Charter, that there had been a change in the order of importance of those principles. The idea of national sovereignty, in particular, had been given undue prominence.

65. In contrast, one representative maintained that international law was conceivable only in a community of sovereign States; he agreed with the proposal to include the principle of sovereign equality of States among those to be studied.

66. One representative expressed the fear that operative paragraph 1, as drafted, might leave the Committee open, in the course of its future work, to the suggestion of moral principles, which would certainly entail further discussion.

67. He regretted that a vague formula, concerning the fulfilment in good faith of obligations assumed in accordance with the Charter, had been used instead of a reference to the execution of obligations arising from treaties and other sources of international law. He also regretted that the thirty-seven-Power draft resolution should be more concerned with the development of principles than with the establishment of rules to give full effect to those principles.

68. As to the four topics chosen for study at the Assembly's eighteenth session, one representative emphasized that the selection was not limitative and did not preclude the possibility of studying the main trends and the real problems of modern international law.

69. Reservations were expressed in regard to the relationship established in the draft resolution between the progressive development of international law and the promotion of international co-operation in economic, social and related fields.

70. As to the duty of States to co-operate with one another in accordance with the Charter, one representative considered that, if carried to extremes, that duty might prejudice the freedom of every State to maintain or not to maintain diplomatic relations with other countries and to participate in regional and collective activities of the type referred to in Article 52 of the Charter.

#### Voting

71. At its 777th meeting, on 12 December 1962, the Sixth Committee decided to vote on the thirty-seven-Power draft resolution (A/C.6/L.524 and Corr.1 and Add.1), and adopted it by 73 votes to none, with 1 abstention.

72. As a result of the vote, the sponsors of the other draft resolutions did not press for a vote on their proposals.

73. The Sixth Committee therefore recommended that the General Assembly should adopt draft resolution I, which appears in paragraph 97 of this report.

II

TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION  
AND WIDER APPRECIATION OF INTERNATIONAL LAW

Proposal and amendments

74. Ghana and Ireland submitted a draft resolution (A/C.6/L.510) under which the General Assembly would (1) urge Member States to undertake broad programmes of training in international law; (2) request the Secretary-General, in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes; and to report the results of such study to the General Assembly at its eighteenth session; and (3) decide to inscribe on the provisional agenda of its eighteenth session the item: "Technical Assistance for the teaching and study of international law: report of survey by the Secretary-General in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization".

75. Afghanistan put forward an amendment (A/C.6/L.514) to the draft resolution submitted by Ghana and Ireland (A/C.6/L.510); the purpose of the amendment was: (1) To insert as a first preambular paragraph the following:

"Considering that lasting solutions to the grave problems that confront humanity can be achieved only by understanding, mutual co-operation, and strengthening of international law and its application in the relations among nations,".

(2) To amend operative paragraph 1 to read as follows:

"Urges Member States to undertake broad programmes of training in seminars and exchanges of fellows in the field of international law;".

(3) To amend operative paragraph 2 to read as follows:

"Requests the Secretary-General, in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization and technical co-operation organs of the United Nations, and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the strengthening of international law, and to report the results of such study to the General Assembly at its eighteenth session;"

(4) To amend the title of the item to be included in the provisional agenda of the eighteenth session to read as follows: "Technical Assistance for the teaching and study of international law: report of the Secretary-General on the strengthening of the role of international law".

76. Several sub-amendments to the Afghan amendment (A/C.6/L.514) were proposed.

77. The United States of America submitted sub-amendments (A/C.6/L.517), the purpose of which was:

(1) In paragraph 3 of the amendment, to delete the words "and technical co-operation organs of the United Nations" and the words "including in this context the possibility of proclaiming a United Nations Decade of International Law".

(2) To redraft paragraph 4 of the amendment to read as follows:

"Amend operative paragraph 3 to read as follows:

'Decides to inscribe on the provisional agenda of its eighteenth session the item "Technical Assistance for the teaching and study of international law: report of the Secretary-General on the teaching and study of international law with a view to the strengthening of its practical application"'.

78. The United States of America later withdrew the second part of its sub-amendment (1).

79. Peru submitted a sub-amendment (A/C.6/L.518) to amend paragraph 2 of the amendment to read as follows:

"Amend operative paragraph 1 to read as follows:

"Urges Member States to undertake broad programmes of teaching in seminars, grants and exchanges of teachers, students and fellows in the field of international law;".

80. Spain proposed in a further sub-amendment (A/C.6/L.519) that in paragraph 3 of the amendment the word "strengthening" should be replaced by the word "dissemination".
81. Colombia submitted sub-amendments (A/C.6/L.520), the purpose of which was:
- (1) In paragraph 2 of the amendment, after the words "exchanges of fellows", to insert the words "and of publications".
  - (2) In paragraph 4 of the amendment, to replace the words "strengthening of the role of international law" by the words "measures to promote the dissemination of international law".
82. The representative of the United States of America proposed orally that the title of the item to be included in the agenda of the eighteenth session of the General Assembly should be amended to read as follows: "Technical Assistance to promote the teaching, study, dissemination and thorough knowledge of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".
83. These sub-amendments were accepted by Afghanistan and incorporated in a set of revised amendments (A/C.6/L.514/Rev.1).
84. The representative of the United States later proposed orally that in the title of the item to be included in the agenda of the eighteenth session the words "thorough knowledge" should be replaced by the words "wider appreciation". This sub-amendment was accepted by Afghanistan.
85. Belgium also put forward an amendment (A/C.6/L.516) to the draft resolution submitted by Ghana and Ireland (A/C.6/L.510); the purpose of the amendment was:
- (1) To add the following paragraph after the second preambular paragraph:

"Desiring to ensure that these measures are also aimed at promoting the dissemination and thorough knowledge of international law, over and above its teaching in universities and higher educational institutions;"
  - (2) In operative paragraph 3, to replace the words "for the teaching and study of international law" by the words "to promote the teaching, study, dissemination and thorough knowledge of international law".

Discussion

86. The representatives who spoke on this item warmly welcomed the draft resolution submitted by Ghana and Ireland (A/C.6/L.510) on appropriate measures to extend the teaching of international law. They pointed out that the General Assembly had already considered the question at its second session and, in an endeavour to promote the teaching of international law, had adopted resolution 176 (II) of 21 November 1947; however, that resolution had not really been implemented as yet and was no longer fully consonant with contemporary needs.

87. Those representatives were in favour of the idea of commissioning a study of ways in which Members could be aided in establishing and developing programmes of training in international law. Once international law was more widely known and accepted, international relations and co-operation would certainly be improved. A better knowledge of international law would be a factor for peace.

88. As regards practical methods, some representatives suggested the establishment of legal libraries, exchanges of students and teachers, the grant of fellowships, the exchange of publications, the organization of seminars on international law, and liaison with independent specialized bodies such as the Academy of International Law, the Institute of International Law and the International Law Association.

89. Several representatives took the view that the study should be carried out in conjunction with UNESCO, for educational questions were within the purview of that Organization and it was also interested in certain legal questions. UNESCO had informed the Committee, through its observer, that it would consider itself honoured if it could give the help which was requested of it. Its assistance might take the form of expert missions, fellowships or refresher courses.

90. Some representatives proposed that the possibility of enlisting the assistance of States should be explored because, so far as technical assistance was concerned, UNESCO had only the small budget allocated to it under the Expanded Programme of Technical Assistance. That point was confirmed by the UNESCO observer.

91. Some misgivings were expressed on the subject of technical assistance; some representatives feared that it might serve the interests of the donor country. Assistance should be rendered only at the request of the country concerned, and always through the United Nations. It would also be necessary to specify the standards to which the teaching of international law should conform in all cases.
92. Many representatives held that it was feasible to proclaim a United Nations Decade of International Law. Some of them believed that it would be a very effective way to strengthen the role of international law.
93. Some representatives, however, considered that the idea was premature and that, at the current session, all that could be done was to state the problem without going into details.
94. It was pointed out in reply that the Afghan amendments merely requested the Secretary-General to study the possibility of proclaiming a United Nations Decade of International Law and did not provide for any immediate action by the Assembly.

#### Voting

95. At its 774th meeting, on 5 December 1962, the Sixth Committee voted on the draft resolution submitted by Ghana and Ireland (A/C.2/L.510); the amendment submitted by Afghanistan (A/C.6/L.514/Rev.1), as amended orally by the United States; and the amendment submitted by Belgium (A/C.6/L.516). The results of the voting were as follows:

- (a) The revised amendments submitted by Afghanistan (as amended orally by the United States) were adopted by 51 votes to none, with 16 abstentions;
- (b) Paragraph 1 of the amendment submitted by Belgium was adopted by 55 votes to 1, with 17 abstentions.

(Paragraph 2 of the Belgian amendment was not put to the vote because of the adoption of the corresponding Afghan amendment).

- (c) The draft resolution submitted by Ghana and Ireland, as amended, was adopted unanimously.

96. The Sixth Committee therefore recommends that the General Assembly should adopt draft resolution II, which appears in paragraph 97 of this report.

#### RECOMMENDATIONS OF THE SIXTH COMMITTEE

97. The Sixth Committee recommends that the General Assembly should adopt the following draft resolutions:

DRAFT RESOLUTION I

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling that the Charter records the determination of the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours,

Convinced of the paramount importance of the Charter in the progressive development of international law and in the promotion of the rule of law among nations,

Taking into account that the great political, economic, social and scientific changes that have occurred in the world since the adoption of the Charter have further emphasized the vital importance of the Purposes and Principles of the United Nations and of their application to present day conditions,

Recognizing the urgency and importance of maintaining and strengthening international peace, founded upon freedom, equality and social justice, and therefore of developing peaceful and neighbourly relations among States, irrespective of their differences or the relative stages or nature of their political, economic and social development,

Considering that the conditions prevailing in the world today give increased importance to the fulfilment by States of their duty to co-operate actively with one another and to the role of international law and its faithful observance in relations among nations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation is an impediment to the promotion of world peace and co-operation,

Mindful of the close relationship between the progressive development of international law and the establishment of conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained through the promotion of international



co-operation in economic, social and related fields and through the realization of human rights and fundamental freedoms,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, that disputes be settled by peaceful means in accordance with the Charter, that the arms race be eliminated and general and complete disarmament achieved under effective international control,

Conscious of the significance of the emergence of many new States and of the contribution which they are in a position to make to the progressive development and codification of international law,

Recalling its authority to consider the general principles of co-operation in the maintenance of international peace and security and to make recommendations for the purpose of encouraging the progressive development of international law and its codification,

1. Recognizes the paramount importance in the progressive development of international law and in the promotion of the rule of law among nations of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

(a) the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations;

(b) the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered;

(c) the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) the duty of States to co-operate with one another in accordance with the Charter;

- (e) the principle of equal rights and self-determination of peoples;
- (f) the principle of sovereign equality of States;
- (g) the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

2. Resolves to undertake, pursuant to Article 13 of the Charter, a study of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application;

3. Decides accordingly to place the item "Consideration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations" on the provisional agenda of its eighteenth session in order to study the following:

(a) the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations;

(b) the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

(c) the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) the principle of sovereign equality of States;  
and to decide what other principles are to be given further consideration at subsequent sessions and their priority;

4. Invites Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestions that they may have on this item, and particularly on the studies referred to in the preceding paragraph, and requests the Secretary-General to communicate these comments to Member States before the beginning of the eighteenth session.

DRAFT RESOLUTION II

Technical assistance to promote the teaching, study, dissemination  
and wider appreciation of international law

The General Assembly,

Considering that lasting solutions to the grave problems that confront humanity can be achieved only by understanding, mutual co-operation, and strengthening of international law and its application in the relations among nations,

Recalling its resolution 176 (II), of 21 November 1947 by which the General Assembly 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 universities and higher educational institutions,

Desiring to ascertain what additional means and resources could profitably be employed in the accomplishment of the objectives of that resolution,

Desiring to ensure that these measures are also aimed at promoting the dissemination and thorough knowledge of international law, over and above its teaching in universities and higher educational institutions,

Confident that such measures would contribute to the progressive development of international law and to friendly relations and co-operation among States,

1. Urges Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows as well as exchanges of publications in the field of international law;

2. Requests the Secretary-General, in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report the results of such study to the General Assembly at its eighteenth session;

3. Decides to inscribe on the provisional agenda of its eighteenth session the item: "Technical Assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".

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