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**SIXTH COMMITTEE, 1090th
MEETING**

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Chairman: Mr. K. Krishna RAO (India).

In the absence of the Chairman, Mr. Csobbi (Argentina), Vice-Chairman, took the Chair.

AGENDA ITEM 85

Draft Convention on Special Missions (concluded)
(A/6709/Rev.1 and Corr.1, A/7156 and Add.1 and
2; A/C.6/L.646, A/C.6/L.728 and Add.1-4, A/C.6/
L.736/Rev.1)

*Article 9 (Composition of the special mission) (A/C.6/
L.728/Add.1) (continued)*

1. The CHAIRMAN drew the Committee's attention to the amendment of Cameroon, Spain, the United States and Venezuela (A/C.6/L.736/Rev.1) to the text of article 9 adopted by the Drafting Committee.

2. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said he was ready to accept the amendment and thanked the sponsors for taking account of the comments made in the Sixth Committee. He suggested, however, that the word "situés" in the French text and the word "situadas" in the Spanish text should be deleted.

3. The CHAIRMAN said that, if he heard no objection, he would take it that the sponsors accepted the proposal of the Chairman of the Drafting Committee and that the Committee adopted amendment A/C.6/L.736/Rev.1, as modified by that proposal.

It was so decided.

4. Mr. ALVAREZ TABIO (Cuba) proposed that a reference to consular staff should be included in article 9, paragraph 1, in order to bring it into line with paragraph 2 as amended.

5. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that such symmetry was not necessary, because members of a consular post included in a special mission would be regarded as part of the "diplomatic staff" referred to in paragraph 1. He appealed to the Cuban representative not to insist on his proposal.

6. Mr. ALVAREZ TABIO (Cuba) thanked the Chairman of the Drafting Committee for his explanation and withdrew his proposal.

7. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to adopt article 9 as a whole, as amended.

Article 9, as amended, was adopted.

8. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, thanked the Sixth Committee and the Secretariat for their assistance and co-operation in the completion of the Drafting Committee's difficult task.

9. Mr. REIS (United States of America), speaking as a member of the Drafting Committee, paid a tribute to the Secretariat for its assistance and to the Chairman of the Drafting Committee for the invaluable guidance he had provided.

AGENDA ITEM 87

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 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (continued)* (A/7326)

10. Mr. BEN LAMIN (Libya) said that his delegation welcomed the Special Committee's statements that force should never be used as a means of settling international issues, that a war of aggression constituted a crime against peace for which there was responsibility under international law, that States were obliged to refrain from propaganda for wars of aggression, that States were obliged to refrain from the threat or use of force to violate the existing boundaries of another State or as a means of solving international disputes, and that nothing in the Committee's statements was intended to affect the provisions of the Charter concerning the lawful use of force. The points on which agreement had been reached covered some but not all of the serious acts involving the illegal use of force. The Special Committee should therefore continue its efforts to reduce the areas on which there was still disagreement.

*Resumed from the 1086th meeting.

11. The statement, on which agreement had been reached, that every State had the duty to refrain from organizing or encouraging the organization of irregular or volunteer forces or armed bands, including mercenaries, for incursion into the territory of another State, should not be interpreted as altering the fact that the territory of a State could never be the object of military occupation. Neither should the statement prejudice the inviolability of a State's territory or the principle of non-recognition of territorial changes resulting from the illegal use of force. Unless it took account of existing realities, the principle would be defective. In that connexion, it was regrettable that agreement had not been reached on the prohibition of military occupation or the inviolability of a State's territory.

12. It was regrettable, too, that agreement had not been reached on the inclusion of a statement on a State's duty to refrain from the use of force against peoples of dependent Territories. Such a statement was necessary, because the seven principles of international law should complement each other and agreement on the prohibition of the use of force against dependent peoples would assist the Special Committee in its consideration of the principle of equal rights and self-determination of peoples.

13. Questions relating to economic, political and other forms of pressure against the political independence or territorial integrity of a State should be dealt with in connexion with the principle of non-intervention, because under Article 2, paragraph 4, of the Charter of the United Nations, the term "force" was limited to armed force. Libya's final position on that point would depend, however, on the views on the matter expressed in the Sixth Committee.

14. The Special Committee should continue its efforts to develop the principle of equal rights and self-determination of peoples. In so far as that principle was concerned, peoples deprived of their legitimate right of self-determination were entitled to exercise their right of self-defence, States should be obliged to refrain from any action aimed at the disruption of national unity and territorial integrity, and States should be obliged to assist the United Nations in carrying out its responsibilities to put an immediate end to colonialism. That was one of the fundamental principles of the Charter and one of the basic principles of contemporary international law and should be applied not only to peoples of territories under alien subjugation but also to peoples under military occupation who obviously were prevented from enjoying their full rights.

15. In considering General Assembly resolution 2131 (XX), the Special Committee should attach special importance to the principle of non-intervention in matters within the domestic jurisdiction of any State. In the study of that principle, attention should be paid to matters which had given rise to doubts when the Special Committee had considered the principle prohibiting the threat or use of force.

16. Mr. SILVEIRA (Venezuela) said that his country was particularly interested in the formulation of the principles referred to the Special Committee for study, because satisfactory formulations would contribute to the progressive development of international law

called for in Article 13 of the Charter. Venezuela would therefore continue to co-operate in the work of the Special Committee, if the latter's mandate were renewed, and hoped that in the near future the General Assembly would have before it formulations of the principles referred to in Assembly resolution 1815 (XVIII).

17. By reason of the extraordinary support it had received and of the importance of its political and legal content, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, adopted by the General Assembly at its twentieth session on the initiative of the Soviet Union (see Assembly resolution 2131 (XX)), had come to be known as the principle of non-intervention. It was with the ideas of that Declaration in mind that Venezuela would continue to co-operate with the Special Committee.

18. Mr. RWAGASORE (Rwanda) congratulated the Special Committee on the progress it had made. There were several reasons why Rwanda welcomed that progress. In the first place, being a small, peaceful country, Rwanda considered that reason should prevail in the world. Collective reason found its expression in law and any effort to clarify that collective order was worthy of praise. Secondly, Rwanda was a young State. Debates in the Committee revealed that there was a tendency for the interests of the new States to be opposed to those of States with longer traditions. Since the principle of recognition was generally accepted in international legal relations, it was easy to understand why young States rarely regarded the invocation of traditional rules as a decisive argument. Thirdly, although a system of collective security had been established under the Charter, the way in which the system operated was not satisfactory. Clarification of existing rules would serve the cause of peace by providing Governments with more precise legal norms.

19. It was normal that the Special Committee should make but slow progress on such a fundamental matter. The subject called for wisdom and prudence on the part of all, and the Special Committee needed sufficient time in which to work out a suitable agreement on reasonable proposals. It was essential that the agreement be suitable and the proposals reasonable, since a general agreement on proposals which did not improve the provisions of the Charter would be no more useful than proposals acceptable to only a small number of States.

20. It had been said that the development of the seven principles referred to the Special Committee for study would be valid only if accepted by the permanent members of the Security Council. That attitude was a cause for concern, because it was based on the precedent of the Charter and included the idea that the co-operation of certain States was essential to the establishment of international law. His delegation doubted the wisdom of placing the establishment of a general rule of law on the level of a technique for the maintenance of peace. One of the many obstacles in the way of wide agreement on the principles in question was the desire for prestige. If, as had been said, humility was the virtue of the weak, it could be contended that the principles embodied the political philosophy of small States. The

larger States played too lightly with arms. He was not referring to the great Powers in the sense of the provisions of Article 23 of the Charter; every State could find one smaller than itself. It was in that sense that prestige was a universal temptation which did not always lead to orthodox behaviour in international life.

21. He appealed to all members of the Special Committee to remember that their function was international. They should endeavour to work out valid and realistic principles.

The meeting rose at 4.15 p.m.

