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President: Mr. Edvard HAMBRO (Norway).

AGENDA ITEM 8

Adoption of the agenda (*continued*)*

**SECOND REPORT OF THE GENERAL
COMMITTEE (A/8100/ADD.1)**

1. The PRESIDENT: The General Assembly has before it the second report of the General Committee [A/8100/Add.1]. In paragraph 1 of that report the General Committee recommends that the new item entitled "Aerial hijacking or interference with civil air travel" should be included in the agenda and allocated to the Sixth Committee.

2. Mr. ALARCON (Cuba) (*interpretation from Spanish*): During the general debate our delegation had an opportunity to refer once again to the question that is now before the Assembly for its consideration. My delegation very clearly set forth its objection to having this problem considered without account being taken of other factors involved. We have stated repeatedly that Cuba is not prepared to accept multilateral agreements which, in dealing with violations of the international régime, consider only one aspect of international communications, that is to say, civil aviation.

3. We have set forth conclusive evidence, which no one can refute, on the origins of this phenomenon, which did not develop during the previous session or during this session of the General Assembly but which has been developing throughout the years and which has a motivating force and a specific and definite origin; so far as this hemisphere is concerned, that source has been the aggressive policy of the North American Government against our country. For ten years dozens

of civil aircraft and vessels were hijacked from our country and taken to the territory of the country where the United Nations Headquarters are located, without this Organization showing any sign that it was aware of this situation or receptive to any of the many complaints that our delegation has been making here over the years.

4. For that reason my country cannot accept the idea that this problem should be tackled, as certain delegations propose, by examining only one of its aspects, a facet of the problem which is actually the result of a phenomenon born of the aggressive policy of imperialism. Cuba wishes to state once again that it will not abide by any multilateral agreements that take into consideration only the hijacking of civil aircraft without also including every other means of transport, as well as all other forms of violations of the rules that should govern international transport.

5. Our position has been set forth not only in this Assembly but also in Act 1226 of 1969, which sets forth the penalties that our country applies against persons who infringe the rules that govern international transport. That Act governs and will continue to govern our position on this problem, which is none other than that we are prepared to enter into bilateral agreements with those States that are prepared to adopt exactly the same policy and the same measures to deal with all violations of the rules that should govern international transport; with those States that are ready to adopt precisely the same measures against all crimes committed to impede civil air and sea traffic, as well as all other forms of violation of international communications.

6. Our position has not changed, nor can it change, for the reasons we explained in detail during the general debate. That is why my delegation rejects the item recommended by the General Committee [A/8100/Add.1, para. 1], as we consider that it does not reflect appropriately the problem that confronts the world today in respect of international communications; instead, it reflects the regrettable fact that in this Organization it is easier to mobilize the deliberative machinery—the Committees and the Assembly—when the vital interests of certain Powers are affected, and those of certain powerful business enterprises whose air traffic is being harmed. But that has been happening precisely because the North American Government and these large business enterprises have for years been encouraging, fostering and organizing this piratical form of activity against a small State and against weaker businesses which do not have

* Resumed from the 1843rd meeting.

the resources available to the large enterprises that are affected today.

7. When the effects of that criminal policy turn against those that have engendered the policy, it is considered right and proper to convene this Assembly and put before the Assembly the examination of these consequences, without going into the consideration of their origin or the reasons why today this state of abnormality exists in international traffic.

8. This course of conduct—which, in the last analysis reflects contempt and lack of respect for the principle of the sovereign equality of States, and for the principle of absolute equality among all of the Members of this Organization—can therefore only meet with a categorical rejection by our delegation, which wishes to state for the record once again the position that my delegation has already expressed during the debate.

9. The PRESIDENT: I understand that that was a general declaration and not a vote cast against the inclusion of this item in the agenda.

10. If I hear no objection, I shall take it that the General Assembly approves this recommendation of the General Committee concerning the inclusion and allocation of this item.

It was so decided.

11. The PRESIDENT: Paragraph 2 of the report contains a recommendation for the inclusion of the item entitled: "Admission of new Members to the United Nations" and for its consideration directly in plenary meeting.

12. If I hear no objection, I shall take it that the General Assembly approves this recommendation of the General Committee concerning the inclusion and allocation of this item.

It was so decided.

AGENDA ITEM 21

Celebration of the twenty-fifth anniversary of the United Nations

13. The PRESIDENT: By operative paragraph 10 of its resolution 2499 A (XXIV) of 31 October 1969, concerning the twenty-fifth anniversary of the United Nations, the General Assembly invited the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States to expedite its work so as to facilitate the adoption of an appropriate document by the General Assembly during the commemorative session which is to open on 14 October.

14. As this is the first document to come before the plenary which is intended for adoption during the commemorative session, I should like first to refer to the procedures contemplated for considering such documents. As representatives are aware, by operative paragraph 3 of resolution 2499 A (XXIV), the General

Assembly decided that the commemorative session should culminate "on 24 October 1970 with the signing and/or adoption of a final document or documents". The planning of the commemorative session was undertaken by the Committee for the Twenty-fifth Anniversary of the United Nations, the interim report of which is before Members in document A/8060. The Anniversary Committee recommends that on 24 October 1970 the formal action for adopting the documents in question should not be accompanied by any discussion. Instead, in paragraph 2 (b) of its report, the Committee suggests that those representatives who wish to explain their positions or make interpretations or reservations concerning the documents will have the opportunity to do so during their consideration by the plenary Assembly prior to the opening of the commemorative session.

15. May I take it that the General Assembly, on this particular point and on the other practical arrangements set out therein, will proceed along the lines suggested in document A/8060?

It was so decided.

AGENDA ITEM 85

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

REPORT OF THE SIXTH COMMITTEE (A/8082)

16. Mr. OWADA (Japan), Rapporteur of the Sixth Committee: In my capacity as Rapporteur of the Sixth Committee, I have the honour to submit to the General Assembly the report of the Sixth Committee in regard to agenda item 85 [A/8082]. I feel privileged to apprise the General Assembly of the fact that the Sixth Committee has now successfully concluded the consideration of an item which has been the focus of attention in the work of the Sixth Committee for the last eight years, and one of the most important items before that Committee.

17. It will be recalled that the United Nations embarked upon this important work in 1962 when, by resolution 1815 (XVII), the General Assembly resolved to undertake, pursuant to article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations, with a view to their progressive development and codification so as to secure their more effective application.

18. Operative paragraph 1 of the same resolution listed those principles as being notably—and in this order—the following seven:

"(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.”

19. The General Assembly at its eighteenth session, in accordance with operative paragraph 3 of resolution 1815 (XVII), studied the question and adopted resolution 1966 (XVIII), whereby it decided to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. The Special Committee thus established met in Mexico City at the invitation of the Government of Mexico, in 1964, and adopted a report to the General Assembly.¹ At its twentieth session the General Assembly considered that report of the Special Committee on its work in 1964 and adopted resolution 2103 (XX) by which it decided to reconstitute the 1964 Special Committee, which was to be composed of the members of that Committee and four other Member States, in order to complete the consideration and elaboration of the seven principles I have referred to. The Special Committee, as reconstituted by that resolution, held four sessions at United Nations Headquarters and at the United Nations Office at Geneva during the period between 1966 and 1969. At each session the Special Committee adopted a report to the General Assembly. The reports of the Special Committee on its 1966,² 1967,³ 1968⁴ and 1969⁵ sessions were considered by the General Assembly at its twenty-first, twenty-second, twenty-third and twenty-fourth sessions respectively. That consideration resulted in the adoption by the General Assembly of resolutions 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969.

¹ *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5746.

² *Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6230.

³ *Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6799.

⁴ *Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7326.

⁵ *Ibid.*, *Twenty-fourth Session, Supplement No. 19*.

20. Last year, at its twenty-fourth session, the General Assembly adopted resolution 2533 (XXIV), by which it took note of the report of the Special Committee on its 1969 session and decided to ask the Special Committee to meet in 1970 in order to continue and complete its work. In particular, the General Assembly requested the Special Committee “to endeavour to resolve, in the light of Assembly resolution 2327 (XXII), the remaining questions relating to the formulation of the seven principles in order to complete its work, and to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft Declaration on all of the seven principles” and called upon the members of the Special Committee “to devote their utmost efforts to ensuring the success of the Committee’s session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary”.

21. It would appear appropriate also to recall in this connexion—as you, Mr. President, have already indicated—that the General Assembly, in its resolution 2499 (XXIV) of 31 October 1969, entitled “Celebration of the twenty-fifth anniversary of the United Nations”, invited the Special Committee to expedite its work at its 1970 session with a view to facilitating the adoption of an appropriate document by the General Assembly during the commemorative session.

22. It was against that background that the Special Committee, pursuant to General Assembly resolution 2533 (XXIV) of 8 December 1969, held its fifth session at the United Nations Office at Geneva from 31 March to 1 May 1970. As can be seen from paragraph 84 of the report of the Special Committee for that session [A/80/18] the Special Committee succeeded at the last meeting of that session, on 1 May 1970, in approving without objection the text of a draft declaration on principles of international law concerning friendly relations and co-operation among States. It was agreed that the draft declaration contained in the report of the Drafting Committee, as approved by the Special Committee, represented the consensus of the delegations and that it was to be read in conjunction with the statements made for the record, which are included in the report of the Special Committee and in the summary records of that session.

23. That is a brief historical background to this question up to its consideration by the Sixth Committee at the present session of the General Assembly. Thus, the successful completion of the work of the Special Committee in Geneva in May of this year raised among Members of the United Nations the high hope that the declaration on principles of international law concerning friendly relations and co-operation among States could, if adopted by the General Assembly, form one of the main pillars of the twenty-fifth anniversary of the United Nations. It was for that reason that the General Assembly, on the basis of a recommendation of the General Committee, decided that priority should be given to the consideration of this item with a view to preparing documents for adoption at the commemorative session.

24. The Sixth Committee considered this item at its 1178th to 1184th meetings on 23, 24, 25 and 28 September 1970. For its consideration of the item the Committee had before it the report of the 1970 session of the Special Committee [ibid.]. That report contained the draft declaration on principles of international law concerning friendly relations and co-operation among States, as approved by the Special Committee in May 1970. During the seven meetings devoted to consideration of the item the Sixth Committee appraised the final result achieved by the Special Committee in the formulation of the draft declaration. The following seventy-nine delegations made statements on the formulation of the draft declaration: Afghanistan, Algeria, Argentina, Australia, Belgium, Bolivia, Brazil, Bulgaria, Burma, the Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Canada, Ceylon, Chile, China, the Congo (Democratic Republic of), Cyprus, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Mali, Mexico, Mongolia, Morocco, Nepal, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Pakistan, the People's Republic of the Congo, Peru, the Philippines, Poland, Portugal, Romania, Senegal, South Africa, Spain, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Turkey, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom, the United Republic of Tanzania, the United States, Uruguay, Yemen, Yugoslavia and Zambia.

25. In this connexion, I wish to invite the attention of this Assembly to the fact that a number of these delegations who made statements elaborated in their interventions certain views, interpretations and positions of their respective Governments concerning the formulations of the draft declaration. In view of the intricate nature of these statements, and also in line with the normal rule concerning the reports of committees as laid down by General Assembly resolution 2292 (XXII) of 8 December 1967, I, in my capacity as Rapporteur, thought it neither feasible nor appropriate to attempt to sum up in my report such views, interpretations and positions. For this reason I have refrained from making any reference in my report to the specific position of any delegation with regard to the declaration. I should like to confine myself to inviting the attention of this Assembly to this point and to emphasizing that the text of the declaration should be read in conjunction with the statements made for the record which are included in the relevant part of the summary records of the Sixth Committee, contained in documents A/C.6/SR.1178 to 1184.

26. It might also be added that with regard to paragraph 89 of the report of the Special Committee [A/8018], in which the widespread feeling of the Special Committee was expressed in favour of recommending that the General Assembly give consideration to the question of the title of the declaration, the Sixth Committee has come to the consensus, following consultations, that the title of the declaration should read as

follows: "Declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". This point is referred to in paragraph 6 of my report [A/8082].

27. A draft resolution which contains as its annex the text of the declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations was submitted at the 1182nd meeting of the Sixth Committee by the sixty-four delegations listed in paragraph 5 of the present report. This draft resolution was adopted without a vote by the Sixth Committee at its 1184th meeting held on 28 September 1970. Since there was no formal voting on that occasion, the precise positions of delegations will have to be appraised in the light of the statements made in the Sixth Committee and recorded in the summary records, as I have indicated earlier in my present statement.

28. Thus the atmosphere of general acceptance of this declaration that prevailed in the Sixth Committee during the consideration of this item is now evidenced by the adoption of the draft resolution by that Committee. It could be said that this is an indication of the degree of importance that the Sixth Committee attaches to this declaration. I should like to conclude my introduction of the report of the Sixth Committee on item 85 with the hope that this august body will adopt the draft resolution [A/8082, para. 8] by acclamation on the most felicitous occasion of the twenty-fifth anniversary commemorative session of the General Assembly.

29. The PRESIDENT: I am informed that an understanding was arrived at in the Sixth Committee to the effect that statements on the important declaration before us will be made by the Chairman of the Sixth Committee, followed by one speaker each from the various geographical regions represented in the United Nations.

30. Mr. ENGO (Cameroon), Chairman of the Sixth Committee: I come to this rostrum today in my capacity as Chairman of the Sixth Committee, responding to an expressed desire on the part of the representatives in that Committee; moved too by the great moment thrust upon us by history and encouraged by the tremendous support that the text of the declaration now before the General Assembly has received under considerably difficult circumstances.

31. The annex to the draft resolution before us [ibid.] is the result of six annual meetings of the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States—an exercise that involved jurists and lawyers from various cultural and legal systems, covering all major geographical regions of our planet. From year to year, an opportunity presented itself for others not directly involved in this effort to examine the progress of the work and, with others, to give collective guidance in respect of outstanding problems. The participants

themselves, recognizing the truth in the saying that charity begins at home, established an atmosphere of friendship and co-operation among themselves. They also recognized not only the historic nature of the task before them but also the grave danger of allowing the desirable work of codification and progressive development of international law to march with false hopes and illusions into obscurity.

32. It is my humble opinion that that document, when approved, will go down as the greatest since the Charter of the United Nations itself was first promulgated twenty-five years ago. Its significance is tremendous. It represents a monumental advancement for international law, reducing to an absolute minimum the divergencies of view on the scope of the norms and principles enshrined in the Charter. Perhaps more significant, however, is the fact that it represents a symphony of ideas, commanding a consensus in an international community that has undergone substantial change in structure and nature since 1945.

33. Participating in this effort were representatives whose young nations emerged from colonial rule within the last decade—the result of a United Nations dream come true. Their emergence at the dawn of the technological age launched a new era. The challenge for jurists and politicians alike was to ensure that the laws of that era truly reflected the nature and ideas of their generation.

34. The first hurdle had to be crossed, this involving the contribution of the representatives of these young nations. They watched with consummate concern the frightening tremors of international conflict, unable to reconcile the declared ideal with the acts perpetrated in purported pursuit of it. They hastened into a new bloc where unity walked side by side with strength.

35. They were soon to evolve from almost passive observers into the role of mediators between the big Power blocs. They were handed brushes and brooms, as it were, and they attempted to tidy up the misgivings of the embarrassing international confusion. They soon evolved into frustrated optimists and, to the glory of the international community, assumed the more positive role of presenting a realistic alternative.

36. This was, I believe, fortunate. The result is the important document which we now produce—a document which commands the support of all sections of the international community. Various heads of State and Governments of the non-aligned world that assembled in Lusaka recently⁶ hailed this document as one which calls for full and unreserved support. The wider the acceptance, the greater the chances of obedience to law.

37. No one, certainly no participating member of the Special Committee or the Sixth Committee, would dispute that the Declaration is not in the very best language of the legal or parliamentary draftsman. The choice

has been similar to that which an American cigarette advertisement puts to its audience: "Good grammar or good taste". It was decided that, given the complexity of the language problem among the different tongues, the preference was for good substance over the best language. Furthermore, it must be understood that it represents a delicate compromise between the various groups. A great Indian leader of this century was heard to say that the best agreement was one in which everyone lost something and everyone gained something. This is very illustrative of the situation here. The summary records, as the Rapporteur mentioned, contain the best of a variety of views on this text. No one can pretend that the text is perfect. A perfect text within the draftsman's universe could not be achieved having regard to the character of the contemporary international society.

38. There is no reason to be apologetic about it. The important consideration is that the document spells out a wide area of agreement concerning a body of laws regulating the conduct of States in that society. It strengthens international law at a time when its definition and recognition are most desperately needed; a time indeed when respect for the rule of law demonstrates its finest role for peace. Peace does not thrive on legal documents alone, well drafted or not. It does not receive sustenance from agreed substance alone. The type of peace envisaged by the United Nations Charter calls for an abundance of political will on the part of Member States. Law is meaningless in a setting in which there is absence of that will. It is this that dictates the degree of progress that we make in the pursuit of the lofty aims and purposes of our Charter. These facts must be borne in mind at all times.

39. It would appear anachronistic to speak of "the maintenance of peace" in an age in which peace has not yet been attained; an age in which quietude provides the illusion of an oasis in a desert of acrimony and distrust. History is teaching us, as I believe it did the founders of this Organization, that peace is not merely the absence of war. To be meaningful it must represent the condition under which war is not only undesirable but impossible.

40. It must symbolize the condition under which there is universal respect for fundamental human rights, the dignity and worth of the human person, the equal rights of men and women and of nations large and small; conditions under which there is full and unreserved respect for the rule of law, conditions which permit of social progress and better standards of life in larger freedom.

41. The principles contained in the present draft spell out in more precise terms the broad base on which the Charter plants peace. It calls for co-operation among States for the achievement of the purposes of the Charter in the political, economic and social spheres. It places an unequivocal prohibition on the threat or use of force in international relations, prescribing peaceful settlement of disputes rather than resort to the law of the jungle. It proclaims in very clear terms the right of peoples everywhere to self-

⁶ Third Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka, Zambia, from 8 to 10 September 1970.

determination, a fundamental element whose absence is highly provocative of belligerency and breaches of international peace. It declares the sovereign equality of States and bars intervention in the internal affairs of States. The will to respect these provisions is far more important than the formulation of language.

42. I definitely have not the slightest hesitation in commending this obvious documentary landmark for unanimous adoption in this year of stock-taking. The twenty-fifth anniversary is a time in which we are examining the effectiveness of the institutions that we have established. I believe that given the right dose of political will and the determination among nations to co-operate in all their efforts—be it on the earth's surface or in the regions of outer space or on the sea-bed and ocean floor—the express rededication of the international community to these principles in this commemorative year may yet save this and future generations not only from the scourge of war but also from the enslavement of an uninspired leadership and domination by science and technology.

43. Peace is a dream deserving the highest aspirations of human ideals. The truest end to every good idea is positive action. Let us adopt this declaration by acclamation, but, more important, let us rededicate ourselves to the cause that we serve—the conscious construction of peace, a peace wide enough in definition to embrace justice and progress.

44. Mr. ZEMLA (Czechoslovakia): Before I state our position concerning the item on our agenda, may I be permitted to make use of this first statement of the Czechoslovak delegation in the plenary United Nations General Assembly at its twenty-fifth session to congratulate you cordially, Mr. President, on the election to your important post. Our delegation is convinced that in view of your rich political and legal experience and high personal qualities the deliberations at the twenty-fifth General Assembly session will be successful and will yield the positive results the world public expects from it.

45. The delegations of the socialist countries, including the Czechoslovak delegation, consider it significant that today the General Assembly has started to consider in plenary session the declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations elaborated by the Special Committee and approved in the Sixth Committee.

46. The draft declaration [A/8082, para. 8] is a result of complicated discussions lasting for several years. The Czechoslovak Socialist Republic is gratified that it was our delegation which at the sixteenth General Assembly session submitted the initiative⁷ concerning the elaboration of a United Nations document which would contain legal principles of peaceful coexistence and co-operation among States having different social systems.

47. The United Nations, founded immediately after the end of the devastating Second World War, has inscribed in its fundamental document, the Charter, among its purposes and principles, in the first place the most noble purpose—the maintenance of international peace and security. In the present world, which is divided and in which there are States having different social systems, the only possibility of attaining this purpose of the Charter resides in peaceful co-operation and coexistence among all States whatever their social system. We all realize that in the present world the alternative to this peaceful co-operation and coexistence is the aggravation of tensions, the provocation of conflicts and, ultimately, the threat of a nuclear catastrophe.

48. We are glad that the idea of legal principles concerning peaceful co-operation among States was brought to life and that, in the end, the work of the Special Committee was crowned with success. Representatives will no doubt agree with me that the work of the Special Committee as well as that of the Sixth Committee and of its officers therefore deserve high appreciation.

49. In our opinion the declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations will become another significant document of international law aimed at the strengthening of peace and security in the world and at developing friendly co-operation among all States. It anchors in legal form the principles of such co-operation and friendly relations and interprets the respective provisions of the Charter of the United Nations which represent the fundamental principles of international law.

50. We consider the draft declaration to be a positive step on the road of the codification of contemporary international law and its progressive development. The fundamental significance of the declaration consists particularly, as I have already mentioned, in the elaboration and legal definition of the fundamental principles of the Charter, consistent and universal respect for which is a *conditio sine qua non* of peaceful relations among all members of the world community, principles upon which the whole United Nations structure as well as the peace and security of nations are built.

51. The declaration constitutes guidelines for the conduct of States in their mutual relations, and its adoption and wide application will be of great significance for the strengthening of international peace and security in the world.

52. We believe that the General Assembly at its twenty-fifth anniversary session will solemnly approve the declaration and that this declaration will become one of the principal documents adopted at the current session.

53. Mr. SHITTA-BEY (Nigeria): On behalf of the African Group of States Members of this Organization I have the honour to congratulate the members of the Special Committee on Principles of International Law

⁷ Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 70, document A/4796/Add.3.

concerning Friendly Relations and Co-operation among States.

54. Today the General Assembly is to examine and consider the report of the Sixth Committee [A/8082] on the work of the United Nations Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. In other words, we are today assessing the achievements of the United Nations since its creation about twenty-five years ago.

55. To give a short historical survey, it was in 1961 that a group of States Members of this Organization initiated a proposal which aimed at the codification of the principles of peaceful coexistence and submitted a draft declaration to the seventeenth session of the General Assembly. The 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", was discussed by the General Assembly at its seventeenth, eighteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sessions. Those discussions resulted in, among other things, the adoption of General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969.

56. By resolution 1815 (XVII) the General Assembly recognized:

"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..."

It also resolved:

"to undertake, pursuant to Article 13 of the Charter, a study of the 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".

Operative paragraph 1 of the same resolution stated those principles, as enunciated by the Rapporteur of the Sixth Committee a few minutes ago.

57. In 1963 the General Assembly examined the first four principles and established a Special Committee of 27 members to study them with a view to their progressive development and codification. At the invitation of the Government of Mexico, the Special Committee held its first meeting in Mexico from August to October 1964 and submitted a report to the General Assembly to the effect that it had reached a consensus only on the principle of sovereign equality of States.

58. In 1965 the Assembly reconstituted the Special Committee and enlarged its membership from the original 27 to 31. It also asked the Committee to consider and report on all the seven principles, with a view to their being ultimately adopted as a declaration by this august body. Although the Special Committee was able to formulate consensus texts on some of the principles at subsequent annual sessions, it was only at its last session, earlier this year in Geneva, that the Committee was able to complete its work on the formulation of all the principles entrusted to it. The agreement reached at that session was, however, *ad referendum*; but the Committee decided to authorize its Chairman to convoke an informal meeting of representatives of members of the Committee to be held at the Headquarters of the United Nations on 15 September 1970, in order to ascertain the position of Governments of States members of the Committee as regards the final adoption of the text of the draft declaration. It was at that short but historic meeting that an atmosphere of hope started to emerge when, in all sincerity, all representatives who were present indicated the acceptance of the draft declaration by their respective Governments, without debate.

59. In the light of what the African Group of States has stated so far, it is evident that the work entrusted to the Special Committee has not been easy. As a result of the great efforts made during the past six years, that Committee has unanimously adopted the text of the draft declaration now before us. As in the case of nearly all international instruments which deal with matters considered to be fundamental in character, it was apparently not possible for the Committee to achieve the adoption of an instrument which completely satisfied the aspirations of all Member States. Although not all African States Members of the Organization had the privilege of officially participating in the work of the Special Committee, there was not a single one which did not become involved in the work of the Committee in one form or another. There are, of course, certain aspects of the draft declaration which constitute matters of common special interest to us and which we would have expected the Special Committee to treat in a more realistic and progressive manner. Many elements have unfortunately been omitted from the draft, despite the fact that there was no disagreement about them, from the point of view either of substance or of their juridical validity.

60. As each African State Member of this Organization has had the opportunity to state its views and reactions to the various indefensible shortcomings of the draft declaration, we do not consider it necessary at this stage to reopen our wounds, which are now healing. Specifically, however, we regret the Committee's failure to accept the legitimate notion that the expression "force" as employed in the principle of the non-use of force denotes economic and political pressures as well as every kind of armed force. We also deplore the fact that no specific reference has been made, either in the principle concerning self-determination or in the preambular paragraphs, to General Assembly resolution 1514 (XV), which con-

tains the Declaration on the Granting of Independence to Colonial Countries and Peoples.

61. Again, the lack of a provision re-emphasizing the right of nations freely to dispose of their national wealth and natural resources is a matter of regret. We feel that a situation in which there is political freedom without economic independence can only continue to strengthen those factors which at present constantly threaten international peace and security, the primary goal of our Organization. However, we take consolation in the fact that, since the present trend is towards the progressive development and codification of the principles of contemporary international law, the period may not be too far off when any deliberate or unwitting omissions can be rectified.

62. In spite of the omissions, named and unnamed, which exist in the draft declaration before us, however, we are of the view that the work of the Special Committee has been brought to a successful conclusion. We feel that the draft is on the whole progressive and that it is bound to have its impact on any future exercise directed towards the progressive development and codification of the principles of contemporary international law. Pursuant to the agreement reached at the recent Lusaka Conference of Heads of State or Government of Non-Aligned Countries, we of the African Group of States Members of this Organization accept the draft declaration and commend it to this august body during the present commemorative session. We feel constrained to emphasize at this stage, however, the need for every State Member of the United Nations positively to commit itself to the provisions of the United Nations Charter and to international law as a whole, the draft declaration before us juridically continuing to remain part and parcel of the principles of contemporary international law when formally adopted.

63. Before I conclude may I be allowed to take this opportunity to congratulate once more, on behalf of the African Group of States, all the members of the Special Committee on the outcome of their great efforts. It would be impracticable to assess at this stage the degree of comfort and hope which their contribution may give to the international community and the solid foundation they have provided for the generation to come. Going through the records of their discussions, one easily discovers evidence of unusual scholastic ability coupled with a very high degree of intellectual honesty. Disagreement there must be, and where it does exist it has been brought into being in good faith. We feel greatly indebted in this regard to all the members of the Committee and, more particularly, to Mr. González Gálvez of Mexico, Mr. Milan Šahović of Yugoslavia, Mr. Hans Blix of Sweden, Mr. Paul Engo of Cameroon, Mr. Lev Mendelevich of the USSR, Mr. Herbert Reis of the United States, Mr. Willem Riphagen of the Netherlands, Mr. Hisashi Owada of Japan, Mr. Gaetano Arangio-Ruiz of Italy, Mr. Suhail Chammas of Lebanon, Mr. Ian Sinclair of the United Kingdom and Mr. Frank Njenga of Kenya—all of whose tireless efforts, together with those of the other, unnamed members of the Committee, have contributed very

greatly to the successful and fruitful results we now have before us.

64. Mr. PANYARACHUN (Thailand): Mr. President, the Chairman of the delegation of Thailand has already conveyed to you his delegation's congratulations on your election. It only remains for me to add my own personal sense of gratification that you, an eminent jurist and international lawyer in your own right, should preside over the present commemorative session during which several documents, declarations and resolutions of both a political and a legal nature will be considered and approved.

65. In my capacity as Chairman of the Asian Group for this month I have the honour to address the General Assembly on the first of these documents, that is, the declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations. The Rapporteur has lucidly presented the report of the Sixth Committee [A/8082], and he has been ably and eloquently supported by the representatives of Czechoslovakia and Nigeria.

66. It should be recalled that, when the General Assembly considered this item for the first time in 1962, and even in 1963 when the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States was established, no one was then very optimistic that the final draft would emerge in time for this commemorative session. By its resolution 1815 (XVII) the General Assembly recognized for the first time the paramount importance of the principles of international law concerning friendly relations and co-operation among States as embodied in the Charter of the United Nations for the progressive development of international law and the promotion of the rule of law among nations. We know that the Special Committee has since then been working diligently, and its valuable reports have been presented to each session of the General Assembly, showing the progress it has been able to achieve and that its worthy efforts have been constantly supported and encouraged by the international community.

67. Six years after its creation it was known, at the last session of the Special Committee which met in Geneva from 31 March to 1 May 1970, that the draft declaration which emerged from that meeting had been agreed to *ad referendum* by the members of the Committee. Its unanimous adoption was finally achieved at the special meeting of the Special Committee at United Nations Headquarters on 15 September 1970. It would seem, then, that we might have a valuable document just in time to commemorate the twenty-fifth anniversary of the United Nations.

68. We owe a great debt to all those who participated in the work of the Special Committee and our thanks and heartfelt appreciation go to all of them.

69. Comments and opinions on the substance and merit of the seven principles formulated in the draft

declaration have been made in detail by many delegations both in the Special Committee and in the Sixth Committee. If there still exists an imperfection or defect in regard to the drafting of this declaration, it is well understood and generally accepted that the language of the draft is the result of a compromise reflecting the spirit of conciliation among various delegations towards arriving at a consensus on an agreed text. The Sixth Committee without modifying or amending the text of the draft as presented to it by the Special Committee, has wisely decided to adopt the text without objection.

70. There is no doubt that adoption by the General Assembly at this commemorative session of the draft resolution and its annex, which is a declaration on principles of international law concerning friendly relations and co-operation among States, as recommended by the Sixth Committee, would be an important step towards the progressive development and codification of international law and would no doubt contribute to the strengthening of world peace and international security, and to the rule of law among nations.

71. My delegation would wish to join other Asian delegations in expressing the hope that the draft resolution together with its important annex will be adopted unanimously by the General Assembly and that the faithful observance of its provisions by States in the conduct of their international relations will further promote the maintenance of peace and security in the world.

72. Mr. GARCIA ROBLES (Mexico) (*interpretation from Spanish*): If we wish to analyse closely the overriding importance of the declaration we are considering, we should recall and this is particularly relevant in this year of celebration for the United Nations that twenty-five years ago, when the Charter was adopted at the San Francisco Conference, it was solemnly proclaimed that the principles of the Charter constituted "the supreme rules whereby the Organization and its Members should discharge their obligations and undertake to achieve their common objectives". With great clarity and wisdom the text further stated that such principles "in practice will constitute the touchstone of the effectiveness of the Organization".

73. Moreover, in this connexion, we should also bear in mind that at the constituent conference the principles in question were formulated only in very general terms, as indeed was inevitable, and that one of those principles, namely, that of non-intervention by a State in the internal affairs of another State, was not even included explicitly in the Charter.

74. Therefore, if these principles were to fulfil completely their function of regulating the behaviour of States and of United Nations bodies, it was necessary to extract and define their political and legal scope in the light of the experience of the past 25 years, taking into account the important changes that have occurred in the community of nations and which have led us to say, and rightly so, that the post-war era has come to an end.

75. The Latin American States are justifiably satisfied with the contributions that we have been able to make over the past six years to the work of the General Assembly and the Special Committee established by it. The draft declaration on the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations [A/8082, para. 8] is unquestionably a historic document, whose approval is destined to hold a place of honour among the ceremonies commemorating the twenty-fifth anniversary of the United Nations.

76. My country considers it a great honour for us to have had the twofold privilege of presiding over the opening session of the Special Committee in 1964 and the session that ended only some months ago, in which the fruitful work of that Committee was concluded.

77. It is also a source of great satisfaction for us, as it is unquestionably for all the countries of Latin America, that this declaration, which we are confident will be adopted by acclamation, includes among its fundamental principles the principle of non-intervention and that this principle is defined in terms basically identical with those adopted by this Assembly at its twentieth session, when in resolution 2131 (XX) we achieved the most complete and precise formulation ever worked out until that date of the principle, which, with abundant reason, has been described as a keystone of peaceful international coexistence.

78. Sir Vincent EVANS (United Kingdom): For all those who believe in the United Nations and particularly for those of us who are closely associated with its work, today's plenary meeting of the General Assembly must be an occasion which inspires us with new hope for the future of our Organization.

79. I was present at the sixteenth session of the General Assembly, in 1961, when it was decided to embark the following year on a consideration of the principles of international law concerning friendly relations among States in accordance with the Charter of the United Nations. I do not believe it could have occurred to anyone present then that that decision was to set in motion a study which would culminate, as we now hope it will, in the adoption of a solemn declaration concerning those principles at the twenty-fifth anniversary celebration of the United Nations.

80. This morning we have before us the report of the Sixth Committee, which includes a draft resolution and a draft declaration [A/8082, para. 8]. As the report of the Sixth Committee indicates, these draft instruments were adopted by the Sixth Committee without objection. It is the privilege of my delegation this morning, speaking as this year's Chairman of the Group of Western European and other States in the Sixth Committee, to confirm to the General Assembly our support for the draft declaration and our wish that it be adopted as part of the twenty-fifth anniversary celebration on 24 October.

81. This draft declaration is the outcome of years of patient negotiation, particularly in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, and we cannot fail on this occasion to pay tribute to all the members of that Committee on the successful completion of their work.

82. Lawyers are quick to seize on the weaknesses of any legal document, and certainly no one would claim—least of all to you, Mr. President—that this draft declaration is a perfect instrument. We acknowledge its imperfections. It is the outcome of a compromise, or rather of a series of compromises. That a document of this nature and scope should contain imperfections is not a matter for surprise. What is more remarkable is that, despite all the difficulties involved in its negotiation, so substantive and far-reaching a document should have emerged. When I mention imperfections at the outset I therefore do so in no carping spirit.

83. No one who has read through the records of the discussion of this subject over the years could fail to be struck by the care with which representatives have formulated their positions on various points, and the text before us must of course be read and interpreted and evaluated in the light of these records. Delegations from the Group for which I speak as a member have taken the opportunity to express the individual views and positions of their Governments in the Special Committee itself and during the sessions of the General Assembly. In particular, I would draw attention to the statements summarized in paragraphs 90 to 273 of the Special Committee's report [A/8018] and in the summary records of the 1178th to 1184th meetings of the Sixth Committee. Individual delegations have made it clear that the acceptance of the declaration by their Governments is subject to the views and positions there expressed and the declaration must consequently be read in conjunction with the records to which I have referred.

84. This is not the occasion for a detailed review and analysis of the draft declaration, much as many of us would like to embark on it, and I propose to comment on only one particular aspect today. It was pointed out in the debate in the Sixth Committee that the draft declaration is open to the criticism that less attention has been given to some of the principles expressing the positive duties of States than to the "prohibition" principles. In this connexion it is evident that the text concerning the principle of the peaceful settlement of disputes falls some way short of what many delegations would have desired.

85. In chapter X of the introduction to his annual report on the work of the Organization, the Secretary-General commented: "If the threat or use of force for settling international disputes is prohibited, it obviously follows that those disputes must be settled by peaceful means." [A/8001/Add.1 and Corr.1, para. 142.] In this context he emphasized the need to activate the provisions of Article 33 of the Charter and he drew attention in particular to the role which the International Court of Justice can play if only it is given the

opportunity to do so. I know that this is a matter which is also dear to your heart, Mr. President. We can only regret that in this respect the draft declaration compares unfavourably with the explicit language of the Charter itself, in omitting to mention the International Court of Justice, a principal organ of the United Nations, or the principle set out in paragraph 3 of Article 36 of the Charter that legal disputes should as a general rule be referred to that Court. But in saying this I am, of course, doing no more than reiterating a point made by many speakers in the Sixth Committee.

86. I have said enough, perhaps too much, about the differences of approach on the details of the draft declaration. Today we should, I suggest, be concerned more with the higher importance of the declaration and thus with the extent to which it represents what is common ground among us. And it undoubtedly has a significance that transcends its actual terms. It is an elaboration of major Charter principles worked out in the framework of a United Nations with its present membership of 126 sovereign States; that is, a United Nations containing the many States, particularly from Africa and from Asia, which have become independent since the Charter itself was adopted.

87. What is more, the representative character of the declaration is enhanced by its being the product of a process of consensus. That process may sometimes seem an unduly long and difficult one, but it does secure a due reflection of both majority and minority views. Mr. President, a character in a play by a very great dramatist from your country says that "The minority is always right". One does not need to accept that proposition as true in order to acknowledge the desirability, particularly in an organization based on sovereign equality, of an outcome which fairly accommodates the opinions both of majorities and of minorities on different issues.

88. The United Kingdom delegation, no doubt like many others, has at times in the course of the long negotiations on the declaration experienced doubts about the outcome which came near to matching our hopes for it. I believe that I may say it is our hopes that have been vindicated. As the title of the declaration indicates, the principles it declares to be the basic principles of international law are the well-known principles of the Charter. The declaration itself reminds us that it does not amend the Charter; indeed, it could not do so, and the General Assembly at no stage set out to do so. What the text of the declaration does bring out with clarity—perhaps even more forcefully than the Charter itself—is the interdependence and interrelationship of all the seven principles.

89. Thus, if members will forgive me for repeating what I said in the Sixth Committee, the principle prohibiting the use of force must have as its counterpart the principle of peaceful settlement of international disputes; the principle of non-intervention is in itself a reflection of the principle of the sovereign equality of States; the good-faith fulfilment of obligations is essential to create the conditions in which the duty to co-operate can be given its maximum fulfilment; and the

faithful observance by all States of all the principles which I have just mentioned will promote the fullest realization of the principle of equal rights and self-determination of peoples.

90. The declaration can therefore be seen as a reaffirmation, in contemporary terms, of objective legal standards by which the conduct of States is to be judged; and no such judgement can be arrived at except in the light of all seven principles. Conversely, it is by its effect on the actions of States that the declaration will be judged in the perspective of history. What matters is that its adoption should not merely be a gesture, however resounding, but should signify a genuine determination to observe faithfully the vital principles involved. If the adoption of the declaration were indeed to lead to faithful adherence to these principles in the practice of States, it would unquestionably be, in the words of the preamble of the draft resolution:

“a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter”.

91. We are all aware of the difficulties and frustrations which have beset the United Nations over the years. It is a remarkable and praiseworthy achievement that despite these difficulties and frustrations some of the most fundamental rules of international conduct, touching on the vital interests of States, should have been intensively discussed in a responsible and objective manner and that these discussions should have been pursued to a conclusion acceptable to all. As a lawyer, I confess to a feeling of pride that the legal Committee of the General Assembly should have been able to accomplish this formidable task. Let us hope that this will set the tone for the work of the Organization over the next quarter of a century, and that there will be more goals, of equal importance, equally successfully achieved.

92. Mr. ALCIVAR (Ecuador) (*interpretation from Spanish*): At the 1183rd meeting of the Sixth Committee on 28 September of this year, my delegation expressed its opinion on the draft declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations [A/8082, para. 8]. Accordingly, it is unnecessary for me to repeat here what was already dealt with in that statement. I shall confine myself to some very brief observations.

93. The report of the Special Committee [A/8018] which prepared the draft was submitted to delegations on 21 September last at the first working meeting held by the Sixth Committee and it was understood that the Committee would try to adopt it in five or six meetings. My Government has not had an opportunity to study that document, which commits legal and political positions of States Members of the United Nations as regards the interpretation of the principles of interna-

tional law incorporated in the Charter. Of course, that procedure made it necessary to adopt the text of the draft declaration and there was no possibility to introduce a single change.

94. In formulating the principle which prohibits recourse to the threat or use of force, among other things we find the following statement:

“Nothing in the foregoing shall be construed as affecting: (a) Provisions of the Charter or any international agreement prior to the Charter régime and valid under international law.”

95. Ever since the Briand-Kellogg Pact⁸ came into force, it has been impossible by war to create or alter any laws, and therefore any international treaty imposed by force has no legal validity. That situation, of course, is also reflected in the Charter of the United Nations. The phrase that I have just cited can be interpreted only in the light of that rule, and that is how my delegation understands it.

96. The principle which provides that States shall “fulfil in good faith the obligations assumed by them in accordance with the present Charter” which appears in Article 2, paragraph 2, expresses only the duty of Member States to fulfil their obligations under the Charter on penalty of losing the rights and benefits devolving upon them as Members. The rule *pacta sunt servanda* is not a principle of international law and thus is not reflected in this paragraph of Article 2.

97. Lastly, my delegation wishes to state for the record that Ecuador does not agree that the principle of self-determination of peoples is applicable in territories where there are legal disputes among States as to the right of dominion over those territories.

98. To sum up, my delegation assumes no formal position on the draft declaration that has just been submitted.

99. The PRESIDENT: I should like to thank the members of the Sixth Committee for their co-operation in making it possible for the plenary Assembly to consider agenda item 85 several days before the opening of the commemorative session. I believe it is quite a record in the annals of the General Assembly for a substantive issue to have been ready for decision by the plenary Assembly so early in the session.

100. In accordance with the decision made by the General Assembly earlier today, formal action regarding the draft resolution recommended by the Sixth Committee in paragraph 8 of its report [A/8082] will take place at the special meeting on the morning of 24 October together with the adoption of other recommendations for the commemorative session. As I have

⁸ General Treaty for Renunciation of War as an Instrument of National Policy signed in Paris on 27 August 1928.

already mentioned, it is understood that no discussion will take place at the special meeting on 24 October.

to have similar meetings concerning the other parts of the declaration to be adopted on 24 October?

101. May I also take this opportunity of expressing the hope that we shall very soon have the occasion

The meeting rose at 12.20 p.m.