



Twentieth session
Agenda items 90 and 94

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING
FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE
WITH THE CHARTER OF THE UNITED NATIONS

OBSERVANCE BY MEMBER STATES OF THE PRINCIPLES RELATING TO
THE SOVEREIGNTY OF STATES, THEIR TERRITORIAL INTEGRITY,
NON-INTERFERENCE IN THEIR DOMESTIC AFFAIRS, THE PEACEFUL
SETTLEMENT OF DISPUTES AND THE CONDEMNATION OF SUBVERSIVE
ACTIVITIES

Report of the Sixth Committee

Rapporteur: Mr. Gonzalo ALCIVAR (Ecuador)

INTRODUCTION

1. Agenda item 90, entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", has its origin in General Assembly resolution 1815 (XVII) of 18 December 1962, which provided inter alia that the General Assembly

"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 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;

"3. Decides accordingly to place 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' on the provisional agenda of its eighteenth session in order to study:

(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 the order of their priority;"

2. At its eighteenth session the General Assembly adopted resolution 1966 (XVIII) of 16 December 1963, by which it decided to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. That Committee was requested to draw up and submit to the General Assembly at its nineteenth session a report "containing, for the purpose of the

progressive development of the four principles" listed in operative paragraph 3 of General Assembly resolution 1815 (XVII), quoted above, "so as to secure their more effective application, the conclusions of its study and its recommendations ...". The same resolution provided that the General Assembly

"5. Decides to place 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' on the provisional agenda of its nineteenth session in order to consider the report of the Special Committee and to study, in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII), the following principles:

- (a) The duty of States to co-operate with one another in accordance with the Charter;
- (b) The principle of equal rights and self-determination of peoples;
- (c) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;"

3. Also at its eighteenth session the General Assembly adopted resolution 1967 (XVIII) of 16 December 1963 on the question of methods of fact-finding, by which it requested the views of Member States, requested the Secretary-General to study the relevant aspects of the problem and report on it to the General Assembly at its nineteenth session and to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States established under Assembly resolution 1966 (XVIII), and requested the Special Committee to include the matter in its deliberations.

4. The Special Committee established under Assembly resolution 1966 (XVIII) met in Mexico City from 27 August to 1 October 1964 and adopted a report on its work (A/5746).

5. 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", which covered the report of the Special Committee (A/5746), the study of the principles enumerated in paragraph 5 of General Assembly resolution 1966 (XVIII) (quoted in paragraph 2 of this report) and the report of the Secretary-General on methods of fact-finding (A/5694), was not considered by the General Assembly at its nineteenth session. In accordance with a statement made by the President of the General Assembly at that session,^{1/} the item was placed

^{1/} Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 2, document A/5884, para. 6.

by the Secretary-General on the provisional agenda of the twentieth session. At its 1336th meeting, on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session and to allocate it to the Sixth Committee.

6. Agenda item 94, entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities", was proposed by Madagascar (A/5757 and Add.1) for inclusion in the agenda of the nineteenth session of the General Assembly, but the Assembly took no decision on its inclusion. It was proposed again by Madagascar (A/5937) for inclusion in the agenda of the twentieth session. At its 1336th meeting, on 24 September 1965, the General Assembly decided to include the item in the agenda of its twentieth session and to allocate it to the Sixth Committee.

7. The Sixth Committee, at its 853rd meeting, on 15 October 1965, decided to consider items 90 and 94 together. It considered the two items at its 871st to 893rd and 898th meetings, held from 5 November to 8 December and 17 December 1965.

8. In connexion with its consideration of agenda item 90, in addition to the reports of the Special Committee (A/5746) and of the Secretary-General (A/5694) mentioned above, the Committee had before it the comments received from Governments, in accordance with General Assembly resolution 1966 (XVIII), on the seven principles referred to in that resolution and on the question of methods of fact-finding (A/5725 and Add.1-7).

PROPOSALS AND AMENDMENTS

9. Under agenda item 90, Australia, Canada and the United Kingdom of Great Britain and Northern Ireland, later joined by Denmark, New Zealand and the United States of America, submitted a draft resolution (A/C.6/L.575 and Add.1) providing that the General Assembly:

"1. Requests the Special Committee [on Principles of International Law concerning Friendly Relations and Co-operation among States established by General Assembly resolution 1966 (XVIII)], having regard to the Special Committee's text on the principle of sovereign equality and the text on the prohibition of the threat or use of force in international relations, to study, at a second session, the remaining five principles

enumerated in General Assembly resolution 1815 (XVII), and to submit to the twenty-first session of the General Assembly a report containing, for the purpose of the progressive development and codification of the seven principles enumerated in that resolution so as to secure their more effective application, the conclusions of its study and its recommendations, taking into account:

- (a) The report of the first session of the Special Committee;
- (b) The views expressed by Member States on the report and on the principles;
- (c) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations;

"2. Requests the Secretary-General to assist the Special Committee in its work, providing, in particular, such additional background documentation as he deems useful;

"3. Decides to place 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' on the provisional agenda of its twenty-first session in order to consider the report of the second session of the Special Committee."

10. On the same item, Czechoslovakia submitted a draft resolution (A/C.6/L.576) which provided that the General Assembly:

"1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, with appreciation for the valuable work done by it;

"2. Decides to establish a Special Committee composed of in order to:

(a) Complete the consideration, with a view to their progressive development and codification, of the four principles enumerated in paragraph 3 of resolution 1815 (XVII), taking into account, in particular, the desirability of achieving progress in the formulation of those principles or component parts of the principles on which no consensus was reached in the 1964 Special Committee; and

(b) Consider, with a view to their progressive development and codification, the principles enumerated in paragraph 5 of resolution 1966 (XVIII);

"3. Invites the Special Committee to take into account, when it considers the principles referred to in paragraph 2 (a) and (b) above:

(a) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations;

(b) The comments submitted by Governments on this subject in accordance with paragraph 4 of resolution 1815 (XVII) and paragraph 6 of resolution 1966 (XVIII); and

(c) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

"4. Requests the Special Committee to meet as soon as possible and to submit to the General Assembly at its twenty-first session a comprehensive report on the results of its study of the seven principles enumerated in resolution 1815 (XVII), including a draft declaration on these principles and other recommendations and conclusions concerning their progressive development and codification and more effective application;

"5. Requests the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, as well as any material he deems relevant to the work of the Special Committee;

"6. Decides to place an item entitled 'Consideration of the 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 twenty-first session in order to consider the report of the Special Committee and to adopt a Declaration on these principles."

11. On the same item, Algeria, Burma, Cameroon, Ceylon, Congo (Brazzaville), Cyprus, Cuba, Dahomey, Ethiopia, Ghana, Guinea, India, Iraq, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Nigeria, Rwanda, Saudi Arabia, Senegal, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia, later joined by Central African Republic and Ivory Coast, submitted a draft resolution (A/C.6/L.577), later revised by minor drafting changes (A/C.6/L.577/Rev.1), which in its revised form provided that the General Assembly:

"1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

"2. Expresses its appreciation to the Special Committee for the valuable work it performed in Mexico;

"3. Decides to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, having regard to the principle of equitable geographical distribution and the need to ensure that the principal legal systems and main forms of civilization in the world are represented and taking into account the new trends in the international community resulting from the accession to independence of several countries, in order:

(a) To continue, in the light of the discussions which took place in the Sixth Committee, during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the Special Committee established under resolution 1966 (XVIII), consideration of the principle that States shall refrain in their international relations from the threat or use of force, of the principle that States shall settle their international disputes by peaceful means and of the duty not to intervene in matters within the domestic jurisdiction of any States;

(b) To take up the pending proposals and views already submitted to the Special Committee established under resolution 1966 (XVIII), relating to the principle of sovereign equality of States, with a view to reaching an exhaustive formulation on that principle in the light of the discussions in the Sixth Committee during the twentieth session of the General Assembly;

(c) To consider the principle of the duty of States to co-operate with one another in accordance with the Charter, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, which were considered by the Sixth Committee at the twentieth session of the General Assembly, taking into account in particular:

- (i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;
- (ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);
- (iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

(d) To submit a comprehensive report on the results of its study of the seven principles enumerated in resolution 1815 (XVII) including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration which would constitute an important landmark in the progressive development of these principles and their codification;

"4. Requests the Special Committee to meet as soon as possible and to report to the General Assembly at its twenty-first session;

"5. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

"6. Decides to place an item entitled 'Consideration of the 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 twenty-first session."

12. Also on agenda item 90, Argentina, Bolivia, Costa Rica, Guatemala, Jamaica, Mexico, Nicaragua, Peru and Venezuela, later joined by Chile, submitted a draft resolution (A/C.6/L.573 and Add.1) providing that the General Assembly:

"1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (document A/5746);

"2. Decides to continue the Special Committee with its present membership as indicated in documents A/5689 of 17 February 1964 and A/5727 of 26 August 1964;

"3. Requests the Special Committee to continue its study of the four principles enumerated in paragraph 3 of resolution 1815 (XVII) and to submit to the General Assembly at its twenty-first session a second report with its conclusions and recommendations on the matter;

"4. Also requests the Special Committee to study the three principles enumerated in paragraph 5 of resolution 1966 (XVIII), for the purpose of the progressive development and codification of those principles and in order more effectively to ensure their application, and to submit to the General Assembly at its twenty-first session a report containing the conclusions of this study and its recommendations, taking into account in particular:

(a) The practice of the United Nations and of States respecting the application of the said principles;

(b) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

(c) The views and suggestions advanced by the representatives of Member States during the twentieth session of the General Assembly;

"5. Requests the Secretary-General to give the Special Committee all necessary assistance for the effective performance of its task;

"6. Decides to place 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' on the provisional agenda of its twenty-first session in order to consider the reports of the Special Committee."

13. On the question of methods of fact-finding, included in agenda item 90, the Netherlands submitted a draft resolution (A/C.6/L.580) providing that the General Assembly:

"1. Requests the Secretary-General to supplement his study on the relevant aspects of the problem so as to cover the main trends and characteristics of international inquiry as envisaged in some treaties as a means of ensuring their execution and to report to the General Assembly at its twenty-first session;

"2. Invites Member States to submit in writing to the Secretary-General, before July 1966, any views or further views they may have on this subject in the light of the reports of the Secretary-General and the relevant chapter of the report of the Special Committee established under General Assembly resolution 1966 (XVIII) and requests the Secretary-General to transmit these comments to Member States before the beginning of the twenty-first session of the General Assembly."

14. Under agenda item 94, Madagascar submitted a draft resolution (A/5757) providing that the General Assembly:

"1. Solemnly reiterates and reaffirms the following principles:

(a) The sovereign equality of all Member States;

(b) Non-interference in matters within the domestic jurisdiction of a State;

(c) Respect for the sovereignty and the territorial integrity of every State and for its inalienable right to an independent existence, and the unqualified condemnation of political and subversive activities engaged in by neighbouring States or by any other State which are likely to infringe thereon;

(d) The liberation of all territories which are not yet independent;

(e) The peaceful settlement of disputes through negotiation, conciliation or arbitration;

"2. Invites Member States faithfully to observe the above-mentioned principles in the conduct of their international relations."

15. After the conclusion of the general debate, the sponsors of the various draft resolutions on item 90 designated from among themselves a group to prepare a draft resolution which would be generally acceptable to the Sixth Committee. The result of the deliberations of that group was a draft resolution (A/C.6/L.585 and Add.1) sponsored by Argentina, Chile, Costa Rica, Czechoslovakia, Ecuador, Guatemala, India, Iraq, Jamaica, Mexico, Poland, Romania and the United Kingdom of Great Britain and Northern Ireland, later joined by Australia, Ceylon, Hungary and Saudi Arabia, and by Madagascar. This draft resolution, which dealt with both agenda item 90 and agenda item 94, provided in its operative parts that the General Assembly:

"A.

"1. Takes note of the report of the 1964 Special Committee (document A/5746);

"2. Expresses its appreciation to the 1964 Special Committee for the valuable work it performed in Mexico City;

"3. Decides to reconstitute the Special Committee, in order to complete the consideration and enunciation of the seven principles set forth in General Assembly resolution 1815 (XVII), with the following membership:

"4. Requests the Special Committee:

(a) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the 1964 Special Committee, the consideration of the four principles set forth in operative paragraph 3 of General Assembly resolution 1815 (XVII), having full regard to matters on which the 1964 Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

(b) To consider the three principles set forth in operative paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

(c) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII) including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;

"5. Recommends the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

"6. Requests the Special Committee to meet in as soon as possible and to report to the General Assembly at its twenty-first session;

"7. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

"8. Decides to place an item entitled 'Consideration of the 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 twenty-first session."

"B.

.....

"Requests the Special Committee, as provided for under part A of this resolution, to take into consideration, in the course of its work and in drafting its report, the documents (A/5757 and Add.1) submitted to the General Assembly and the discussions at the twentieth session on the item mentioned in the first preambular paragraph of part B of this resolution."

16. To draft resolution A/C.6/L.585 Ghana submitted an amendment that the third operative paragraph in part A should read:

"3. Decides to constitute a Special Committee, composed of the members of the 1964 Special Committee as indicated in documents A/5689 of 17 February 1964 and A/5727 of 26 August 1964, to which the four following countries would be added:

Two countries from Africa, one from Latin America and one from Asia."

The representative of Ghana explained that if his amendment was adopted, the four additional members of the Special Committee would be nominated by the Chairman of the Sixth Committee, and the names of the new members of the Special Committee would be inserted in the draft resolution.

17. Ghana also submitted a second oral amendment to draft resolution A/C.6/L.585, to insert the word "Geneva" in the blank space in the sixth operative paragraph of part A. This amendment was withdrawn by its original sponsor, but was reintroduced by Poland and Czechoslovakia, with the addition of the words "unless an invitation acceptable to the Special Committee is received from a Member State". New Zealand submitted an oral amendment to insert in the same place the words "at the Headquarters of the United Nations".

DISCUSSION

I. Consideration of the report of the Special Committee (A/5746)

A. General considerations on the principles and aims of the work

18. Many representatives stressed the importance of the work on the principles of international law and friendly relations among States as a vital necessity in a world where technical progress, in particular in nuclear weapons, had reached a point that gave a choice between friendly relations and co-operation among States, or the destruction of mankind. It was of supreme urgency to strengthen international law when doing so was an essential for the peaceful coexistence of different economic and social systems and for the economic, social and cultural development of all men. During the last generation the world had been changing rapidly; the nature of international relations had been altered by the attainment of independence by many new States, who were seeking norms to guide them in international life and to protect them from its dangers, and by the increasing gap between the conditions of life in the rich and the poor States. The law, in the view of several representatives, had to remain in contact with the reality of men and the material conditions of life, and so must remain flexible and subject to development. Some spoke of a problem of maintaining faith in international law as a force regulating a changing world and guaranteeing an orderly advance into the future. Some representatives stated that in recent years there had been a spread of the idea that might makes right, evidenced, in their view, by numerous violations of the fundamental principles of the United Nations Charter, and that those principles should be clarified in order to avoid violations and distorted interpretations in the future.

19. It was agreed that the Charter should serve as the basis for this work. Some representatives stated that the purpose was to state the legal implications of the Charter, without distorting it or covertly seeking to revise it; a distinction should be drawn between those principles that had legal force and those that had only moral value. In their view, the work was confined to lex lata, to the exclusion of lex ferenda. Others pointed out that the Charter was a living constitution which had gained meaning through the interpretation of its provisions over twenty years, and that the starting point was a full exposition of the present

legal aspects of the application of its principles. Another view was that the task was not confined to lex lata, but that under resolutions 1815 (XVII) and 1966 (XVIII) of the General Assembly, a creative attitude could be taken toward the progressive development of the law. Other representatives, however, urged an attitude of caution and restraint, and said that not every desirable proposition about the conduct of States would be appropriate for inclusion in Statements of legal principle.

B. General comments on the work of the Special Committee

20. Gratitude was expressed to the Government of Mexico for the generous hospitality it had extended to the Special Committee. Many representatives said that since the Special Committee at its session in Mexico had been able to reach a consensus only on some aspects of the principle of sovereign equality of States and to formulate a draft, which did not there receive a consensus, on the principle of prohibition of the threat or use of force, its results might seem disappointing; but the session had been valuable in throwing light on the points of agreement and the points of difference, and thus offered a starting point for future work.

21. In explanation of the limited results of the Special Committee some delegations referred to the extreme complexity of the issues before it, which made hasty decisions impossible and undesirable. Others said that the issues affected the vital interests of States, and that sometimes their immediate political interests in regard to various principles had increased the difficulties of agreement. Still others referred to the method of consensus adopted in the drafting committee of the Special Committee, under which agreement among States with no political or geographic link was naturally difficult to attain. On the one hand, the view was expressed that consensus was the natural method of work on principles of international law, as formulations could become part of the international legal order only if they received universal approval; on the other hand, it was urged that consensus had a proper role only if an effort was made, without pedantry or narrow concern for national interests, to bring about agreement on the basis of the new realities of international life, and that otherwise that procedure simply led to a unanimity rule and a virtual right of veto, which was not in harmony with the rules of procedure of the General Assembly. Other

representatives referred to the composition of the Special Committee, which in their view did not reflect the feelings of the majority of the General Assembly, and to the shortness of the time allowed for its session as factors limiting its success.

C. Comments on the topics examined by the Special Committee

- (1) 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

22. The Special Committee had been unable to arrive at any consensus on this principle at its session in Mexico, though it had come close to doing so, and had formulated a draft text on the subject (A/5746, Paper No. I, section I). In the course of the debates of the Sixth Committee, the representative of the member of the Special Committee which in Mexico had declared itself unable to accept the draft which all others had accepted stated that, on further consideration, his Government could now accept it. In so doing he emphasized his Government's understanding that the term "to violate" in paragraph 2 (d) did not encompass the lawful use of force, and that the lawful use of force to cross a frontier was not a violation of that frontier. He also expressed the view that it would be desirable for the paragraph expressly to mention not only national frontiers but also certain lines of demarcation. Another representative stated that his Government, although it did not find paragraph 2 (a) of the draft, relating to wars of aggression, fully satisfactory, accepted the draft consensus as it had in Mexico.

23. Several representatives made suggestions as to how the formulation accepted by most members of the Special Committee in Mexico, and now by the remaining members, could fully be taken account of by the Sixth Committee. Others, however, considered that the Special Committee, having submitted its report to the General Assembly, had no further legal existence, and that consequently no account could legally be taken of a draft which was not agreed to during the life of the Special Committee.

24. No representative in the Sixth Committee expressed disagreement in substance with any point in the draft text formulated by the Special Committee, and several spoke in support of the inclusion of various points covered by that text. Numerous representatives, however, considered that various additional points should have been agreed on.

25. A number of representatives spoke in favour of including within the meaning of "force" economic, political and other forms of pressure (some referred to ideological, cultural and psychological pressure) directed against the territorial integrity or political independence of another State, as in the modern world such actions might be quite as dangerous as the use of armed force. On the other hand some representatives took the view that the various forms of pressure should not be included, either because there was a risk of giving rise to a right to use force in self-defence against them, or because it seemed difficult to draft a statement regarding pressure sufficiently clearly to avoid giving rise to further controversies. Some representatives stated that it had not been the intention of the Special Committee, in the execution of its task of formulating areas of agreement, to enumerate all the lawful uses of force.

26. A few representatives spoke of the desirability of prohibiting the use of force in armed reprisals or in retaliation. These kinds of action were said to be distinct from action in self-defence, under which measures must be immediate, and proportionate to the seriousness of the attack.

27. Other points mentioned as desirable for inclusion in a text prohibiting the threat or use of force were a prohibition of war propaganda or of the advocacy of the threat or use of force in international relations; the responsibility of States and the penal liability of individuals for the perpetration of crimes against peace; the duty of States to seek agreement on general and complete disarmament; the outlawing of foreign military bases if unacceptable to the inhabitants of the countries where they are situated; and the duty of States not to recognize, or to consider as legally null and void, situations brought about through the unlawful threat or use of force. In regard to the last-mentioned suggestion, however, it was stated that many disputes could arise from retroactive application of non-recognition to situations that had become legal.

28. Some representatives thought it desirable that any text should deal with the exceptions to the prohibition of the use of force by States. Some considered that, as far as the United Nations was concerned, force could be legally used only on the basis of a decision of the Security Council, others included decisions of the General Assembly, and others referred to decisions of "a competent organ of the United Nations."

29. Some representatives interpreted the Charter to mean that the use of force upon decision of a regional agency was lawful only when the Security Council had decided to use such an agency for enforcement action under the auspices of the Council, pursuant to Article 53. Another view was that the use of force was not a separate form of action, but must either be pursuant to a decision of the Security Council under Article 53 or in exercise of collective self-defence under Article 51. Other representatives considered there was greater scope for lawful action by regional agencies.

30. Representatives who spoke on the subject recognized the legitimacy of the use of force in the exercise of the right of individual or collective self-defence. Some stressed that under Article 51 of the Charter the right existed only in response to armed attack, and only before the Security Council had taken the steps necessary to maintain international peace and security. Others did not define the circumstances justifying the use of force in exercise of the inherent right of self-defence.

31. A number of representatives stressed the view that the use of force against colonial domination and in exercise of the right of self-determination was lawful. On the other hand, it was urged that while the Charter had nothing to say against the struggle for independence or secession, armed assistance from outside States to such movements was not permissible.

(2) 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

32. A number of representatives pointed out that this principle, stated in paragraph 3 of Article 2 of the Charter, was the corollary of the prohibition of the threat or use of force, as disputes could not be left unsettled without a

danger to peace. Others noted a link with the principle of sovereign equality, which should be fully observed in using any method of settlement, and with the principle of non-intervention. The most important factor in peaceful settlement was, in the view of some representatives, the desire of the parties to reconcile their differences.

33. It was agreed by most speakers that no priority should be given to any particular method of settlement, but that a free choice should be left to the parties to disputes, in the light of the nature of each dispute and of the surrounding circumstances. Some stated that negotiation, mediation and conciliation were methods which could be used to alter an existing legal situation, while the methods of arbitration and judicial settlement applied the law as it stood. Other representatives referred to the distinction between legal and political disputes, which would have consequences in regard to the choice of methods of settlement, and should be clarified.

34. Some representatives stated that direct negotiations, if carried on in good faith, in the spirit of sovereign equality and without pressure, were the most frequent and practical method of settlement available at present.

35. Other representatives thought that an appeal should be made to States for wider use of judicial settlement, in particular for wider acceptance of the compulsory jurisdiction of the International Court of Justice as soon as possible and with as few reservations as possible, and for inclusion of clauses on arbitration and judicial settlement in treaties. On the other hand, it was contended that it was useless or undesirable to make such an appeal at present. Some declared that any attempt to impose the compulsory jurisdiction of the Court would be contrary to State sovereignty. Others stated that new States were reluctant to proceed to judicial settlement because of uncertainty as to the rules of international law, which would be removed only by further codification and progressive development; because some rules might be considered anachronistic or unjust; because knowledge of existing international law was not yet sufficiently widespread; or because the composition of the Court was in their view not representative of the present international community.

36. Some representatives wished to see a reference to the functions of organs of the United Nations, in particular the Security Council and the General Assembly, in the settlement of disputes.

37. Other representatives thought that special attention should be given to the role of regional agencies and arrangements in regard to this principle, and mentioned the activities of the Organization of African Unity, the Organization of American States, the Arab League and the Council of Europe regarding peaceful settlement.

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

38. Many representatives expressed regret that the Special Committee had been unable to reach an agreed formulation of this principle, which they considered an indispensable condition of friendly relations among States. In the view of several, violations of the principle by some States in recent years had made its formulation particularly urgent. A considerable number stressed the view that the principle was a logical inference from various provisions of the Charter, and was broader than the threat or use of force prohibited by Article 2, paragraph 4; among the other provisions mentioned as a basis for the principle were Article 1, paragraph 2; Article 2, paragraphs 1 and 7; and Article 78.

39. A number of representatives referred to article 15 of the Charter of the Organization of American States, or to the declaration adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries (A/5763), held in Cairo in October 1964, as models which should be followed in drafting a statement of the principle.

40. Several representatives thought it urgent to define intervention, and suggested various definitions. In the view of some, all forms of pressure, including economic, political and diplomatic pressure, were illegal; an example mentioned by a representative was a threat to break off diplomatic relations with another State if that State recognized a third State. Others, however, considered that actions short of the threat or use of force were illegal only if they amounted to coercive measures. One representative stated that difficulties in defining this expression were not a valid objection to its use, since the law

used many terms which were not capable of exact definition. One delegation stressed the need of a careful separation between, on the one hand, the principle of non-intervention, and, on the other, the prohibition of the threat or use of force, whose violation gave rise to a right to use force in individual or collective self-defence. Other representatives, however, referred to uses of force as forms of intervention, or considered that the dividing line between the two principles was scarcely more than a matter of organization.

41. Some representatives thought that a distinction should be drawn between legal and illegal forms of intervention. As examples of legal forms, mention was made of intervention authorized by a decision of a competent organ of the United Nations; intervention to restore the dignity of the human person, when made necessary by the non-observance or violation of human rights, or aimed at freeing populations still under foreign domination; and intervention in exercise of a right conferred by a treaty or upon a formal request for intervention by the Government of the State concerned. The principle of non-intervention, it was said by some, could not be invoked to support the maintenance of colonial regimes or to prevent action against attacks on human rights.

42. Numerous representatives cited various types of acts which in their view constituted illegal intervention. On the other hand, one representative said that no attempt should be made to draw up an exhaustive list; another said that only the most notorious forms should be given as examples; and another said that enumeration would be useful only in the context of a parallel development of international machinery for the peaceful settlement of disputes.

43. Numerous representatives declared that activities against the political, economic and social system of a State or against its sovereignty or territorial integrity, and attempts to impose on a State a specific form of organization or government, constituted illegal intervention. Some denied the right of any State to undertake individual or collective intervention in order to prevent the spread of a particular ideology or social and economic system. Many representatives also stressed that assisting subversive activities, terrorism or seditious groups or inciting rebellion in another State were contrary to international law, as was assistance to forces having the purpose of incursions into other States.

(4) The principle of the sovereign equality of States

44. The fact that the Special Committee had been able to reach an agreed text in respect to this principle (A/5746, para. 339) was generally welcomed by representatives in the Sixth Committee, as the agreed points were generally acceptable, and as principle was felt to be a key one which was the only possible legal foundation for friendly relations and co-operation among States. Some delegations, however, regretted that it had not been possible to agree on other aspects of the principle which they considered important, and one representative was disturbed by reservations and interpretations made by some States when accepting the agreed formulation.

45. Some representatives believed that there were limitations of the principle which should have been recognized. One representative said that the idea of sovereignty should be tempered by a recognition that all States were subject to international law. Another observed that the application of the principle of territorial integrity should be subject to a principle of reasonable and equitable sharing of natural resources, e.g. waters, which crossed borders, and to an exception in regard to harmful activities having effects in the territories or territorial waters of neighbouring States.

46. Other representatives thought that the agreed formulation did not go far enough. Among the points which some desired to see included were a statement that reasons of a political, social, economic, geographical or other nature could not restrict the capacity of a State; the right of all States to join international organizations and become parties to multilateral treaties affecting their interests; the right of States to dispose freely of their natural wealth and resources; the right of States to demand the liquidation of any privileged positions in their territories, including the right to demand the withdrawal of foreign troops and military bases; a statement that territories still under colonial domination could not be considered integral parts of the territory of the colonial Power; a prohibition of the imposition of treaties by colonial Powers on dependent territories as a condition of their access to full sovereignty; and the right of States to follow domestic and foreign policies of their own choice, without interference.

(5) Question of the methods of fact-finding

47. The Special Committee was unable, for lack of time, to formulate conclusions on the question of methods of fact-finding. In the Sixth Committee, a small number of representatives spoke in favour of the establishment within the framework of the United Nations of a special permanent body for fact-finding. The majority, however, while convinced of the importance of fact-finding in regard to the peaceful settlement of international disputes, considered that caution and restraint were needed at present in regard to the creation of any new institution; the Secretary-General should supplement his study on the subject (A/5694), a further opportunity should be afforded for written comments of Governments, and the question should be discussed again at the twenty-first session of the General Assembly before any decision was taken in that regard. Others observed that for the present what was needed was more effective utilization of methods and facilities now available for fact-finding, and that any new institution should not prejudice present patterns and procedures or encourage their evasion.

48. A number of representatives drew attention to the connexion which existed between fact-finding and agenda item 94, entitled "Peaceful settlement of disputes," which was discussed by the Special Political Committee at the twentieth session of the General Assembly. There was a division of opinion as to whether it would be desirable to refer the question of methods of fact-finding to a Special Committee created to continue the study of the principles of friendly relations.

II. Study of the three further principles of international law concerning friendly relations and co-operation among States

49. The General Assembly, in its resolution 1966 (XVIII) of 16 December 1963, decided in operative paragraph 5, quoted in paragraph 2 of this report, to study three additional principles in accordance with operative paragraphs 2 and 3 (d) of its resolution 1815 (XVII). The discussion of these principles is summarized hereafter.

A. The duty of States to co-operate with one another in accordance with the Charter

50. The provisions of the Charter mentioned by various representatives in connexion with this duty were the Preamble, Article 1, paragraphs 2 and 3, Article II, paragraph 1, Article 13, Article 55 and Article 66. Some representatives expressed the view that the Charter gave some fairly clear indications as to the scope of the duty; it was remarked, however, that, as it was less easy than in the case of some other principles to decide whether a State was fulfilling its obligations, good faith and a spirit of tolerance and understanding were particularly important.

51. Some representatives observed that the duty was constant and universal, and extended to the whole range of common world problems, or to all aspects of life. It was remarked by one representative that international co-operation was required for the solution of more and more problems, and soon little would be left which was not of international concern. Co-operation should be active, and not merely passive. The Charter demanded not merely avoiding impeding the efforts of others but rather the taking of joint action toward the broad ends stated in Article 55. The interests of the whole world community should be kept in view; but some representatives considered that special attention should be paid to the economic and social development of the less developed countries, and to liquidating the vestiges of colonialism.

52. Co-operation should take place, in the view of some delegations, on the basis of absolute equality of States, without any discrimination on the ground of differences in economic and social systems, without any political or other conditions being placed upon assistance, and without any barriers, especially economic barriers, being allowed to persist against co-operation with particular States.

53. In connexion with economic co-operation, attention was drawn to the general and special principles adopted by the United Nations Conference on Trade and Development, and to the need to narrow the gap between the developed and the developing countries. The economic field, it was said, was specially important, and was the easiest in which to find the general aims of the duty to co-operate.

54. One representative spoke of the need to abolish all barriers in cultural matters. Co-operation in the field of education was important, and it was said that modern achievements in science and technology should not be the private domain of any State or group of States. Still less, one representative observed, should those achievements be used by those responsible for them to impose their will on those who did not yet share them.

55. Some representatives observed that one aspect of the duty of co-operation was the right of all States to be admitted to participation in general multilateral treaties, to international discussions of questions affecting their interests, and to international organizations. One representative declared that participation in the specialized agencies of the United Nations was one index of compliance by States with their obligation to co-operate under Articles 55 and 56 of the Charter.

B. The principle of equal rights and self-determination of peoples

56. A number of representatives stated that this principle, which was mentioned in paragraph 2 of Article 1 and in Article 55 of the Charter, was an indispensable element of friendly relations. Some representatives considered that the principle was closely related with that of sovereign equality laid down in paragraph 1 of Article 2. Two representatives stressed the view that the self-determination of peoples was not a matter falling within paragraph 7 of Article 2.

57. As to the nature of the principle, several representatives declared that it was a binding rule of international law, as had been recognized in the Charter and in various decisions of the General Assembly, especially resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples. One representative said that the question whether it was a legal or a moral principle should be studied in the course of further work on the principles of international law concerning friendly relations.

58. As to the scope of the principle, some representatives spoke of it in connexion with the elimination of colonialism, the right of colonial peoples to independence or to decide freely on their political status and institutions,

their right to choose their own economic, social and cultural systems, and their right to dispose freely of their natural resources. One representative referred to his Government's view that administering Powers did not exercise full sovereignty over Non-Self-Governing Territories, but had a duty to help them to develop their own government. Others, while not disagreeing that the principle applied fully to Trust and Non-Self-Governing Territories within the scope of the Charter, stated that a colonial or administering Power could recognize a right of self-determination for the future. They also said that the principle had a broader application than such dependent territories, and did not end with the completion of decolonization and attainment of independence; only as a universal principle could its true meaning be established. Some representatives expressed the view that the principle protected newly independent States against interference in their internal affairs and protected their rights of sovereignty.

59. Several representatives felt that it would be difficult to define the "peoples" enjoying the right of self-determination; States in the international sense were clearly "peoples", but further study was required as to what other social groups should be included. It was replied that the problem had not given rise to difficulty or disorders in practice, and limitation of the principle would seriously diminish its content. One representative said that the future of a territory should be determined by majority decision of the people. Others, however, maintained that the principle offered no justification for neglect of the rights of minorities.

60. There was a difference of views as to whether the principle offered a basis for asserting a right of secession from a State. Several representatives said that was not the case, and one added that the principle could not apply to a territory which was the subject of a legal dispute between States. One representative suggested that where a State was composed of more than one community, actions by one of them might give rise, under new conditions, to a right of self-determination for the other.

61. A number of representatives maintained that peoples were entitled to use force in their assertion of the right to self-determination, in particular in self-defence against colonial repression or aggression. Others added that, on the other hand, colonial Powers had no right to use force against such movements, nor did other States have the right to come to the aid of colonial Powers.

C. The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

62. Several representatives emphasized the cardinal importance of this principle under general international law, and also in connexion with the application of the United Nations Charter, which laid down the principle in paragraph 2 of Article 2 and, in the opinion of some, in paragraph 3 of the Preamble.

63. Some representatives, in regard to the principle, stressed its importance as a necessary moral element in the conduct of peoples. Others spoke mainly of the legal obligations directly imposed by the Charter, and the obligations flowing from the operation of United Nations organs. Still others saw the principle as applying to treaty obligations in general, and the question was raised whether it also applied to obligations from rules of customary international law. Several delegations referred to the rule pacta sunt servanda, of which a restatement had been made by the International Law Commission in the third part of its draft articles on the law of treaties.^{2/} One representative said that the principle required that States, in interpreting international instruments for themselves, should ascertain the common understanding and expectations of the parties. It was also said that the principle applied to moral obligations as well as legal ones, including the moral duty to assume legal obligations. One representative took the view that the implications of the principle were such that they could not be adequately clarified by general formulas.

64. Several representatives stressed that the only obligations covered by the principle were those which were freely entered into, and were compatible with the Charter and with general international law. The principle would not cover, for example, obligations sanctioning aggression, colonial domination or inequality among States, unequal treaties, treaties imposed by force or fraud, or treaties which had been lawfully terminated. One representative said that any termination of treaties on the basis of rebus sic stantibus could not be grounded on any change of circumstances which the government seeking to terminate had itself brought about.

^{2/} Official Records of the General Assembly, Nineteenth Session, Supplement No. 9 (A/5809), Chapter II.

65. One representative said that the codification and progressive development of this principle required a legal interpretation of Article 103 of the Charter.

III. Future work on the principles

66. There was general agreement that the work begun in Mexico and discussed by the Sixth Committee should be carried on by a Special Committee. Some representatives thought that the Special Committee established by General Assembly resolution 1966 (XVIII) should be asked to continue the work with its composition unchanged; a larger committee would in their view be cumbersome in its operations. A greater number of representatives, however, favoured an enlargement of the membership in order to correct what they felt was a lack of geographical balance, and an inadequate reflection of the trends prevailing in the General Assembly. Some thought that more newly independent States should be included in the Special Committee. Some representatives expressed the view that four States should be added to the membership of the 1964 Special Committee, and that two should be from Africa, one from Latin America and one from Asia. Others said that though they were reluctant to see any increase in the size of the Special Committee, they could in a spirit of compromise accept an increase of up to three members, but not of four.

67. It was generally agreed that the three principles in operative paragraph 5 of General Assembly resolution 1966 (XVIII) should be referred to the new Special Committee, and also the two principles relating to peaceful settlement of disputes and to non-intervention on which the 1964 Special Committee in Mexico had been unable even to approach an agreed formulation. Some representatives thought it undesirable to reopen discussion on the principle prohibiting the threat or use of force and the principle of sovereign equality, as in their view agreed texts on those principles already existed. Others, however, thought that work should continue on all seven principles, full regard being paid both to the matters on which the 1964 Special Committee had been unable to reach agreement and to the measure of progress achieved on particular matters.

68. Some representatives urged that the procedure followed by the 1964 Special Committee, under which the Drafting Committee operated on the basis of consensus, should be followed in the new Special Committee; in their view this procedure would lead to the formulation of texts which were acceptable to the overwhelming majority of Members of the United Nations, and thus could become evidence of the practice of States and thus a source of international law. Others, however, thought that although the achievement of general agreement was highly desirable, the consensus procedure might in certain circumstances lead to regrettable results, and should, if necessary, be replaced by voting procedures which would not give rise to a right of veto and the possibility of its abuse. It was agreed that the new Special Committee would be entirely free to adopt whatever procedures it deemed most appropriate in carrying out its mandate, without being bound to follow the practice of the 1964 Special Committee.

69. There was some discussion as to whether the new Special Committee should be requested to embody its results in a draft declaration for later consideration and adoption by the General Assembly. A number of representatives stressed the importance which such a declaration would have in promoting friendly relations and co-operation among States. Others, however, while generally not opposed in principle to a declaration, stated that it was premature to decide on the form in which the results should be submitted.

70. As for the place of meeting of the new Special Committee, some representatives, in the absence of any invitation from a Government, favoured United Nations Headquarters in New York, while others favoured the European Office of the United Nations in Geneva. In accordance with rule 154 of the rules of procedure of the General Assembly, the representative of the Secretary-General stated the financial implications of the proposed decisions. He stated that if the Special Committee met in New York at a period in 1966 when its meetings could be scheduled within the total programme of conferences approved for that year, taking into account the capacity of the existing conference staff, no additional expenditures would arise. If the meetings were held in Geneva during the period February-March for a duration of seven weeks, additional expenditures in an estimated amount of \$117,000 would be incurred, while a seven-week session in Geneva during the

period March-April would involve estimated additional costs of £137,000. Should the Special Committee be invited by a Government to meet elsewhere, additional expenditures would arise which could not at present be estimated by the Secretary-General, but which would have to be met directly by the host Government, in accordance with General Assembly resolution 1202 (XII) and with the precedent of the earlier Special Committee's session in Mexico in 1964.

IV. Consideration of the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities"
(agenda item 94)

71. Some representatives supported the draft resolution submitted by Madagascar (A/5757), and considered that it should be adopted by the General Assembly at its current session. Other representatives said that the draft resolution should be examined in the context of the report of the Special Committee. Still others, however, took the view that the draft should be studied and taken into account by a Special Committee which would continue the work on the principles of friendly relations, rather than being decided on at the current session.

VOTING

72. At its 898th meeting on 17 December 1965, the Sixth Committee voted on the proposals and amendments before it. The results of the voting were as follows:

(a) The Committee adopted, by 52 votes to 18, with 4 abstentions, the last part of the first oral amendment of Ghana to the third operative paragraph of Part A of draft resolution A/C.6/L.585, a part proposing the addition of four members (two from Africa, one from Latin America and one from Asia), to be nominated by the Chairman of the Sixth Committee, to the membership of the 1964 Special Committee.

(b) The Committee adopted, by 58 votes to none, with 16 abstentions, the first oral amendment of Ghana as a whole, which thus modified the third operative paragraph of Part A of draft resolution A/C.6/L.585 to provide that the new

Special Committee should be composed of the members of the 1964 Special Committee with the addition of four members (two from Africa, one from Latin America and one from Asia) to be nominated by the Chairman of the Sixth Committee.

(c) The Committee rejected, by 31 votes to 16, with 24 abstentions, the second oral amendment of Ghana to the sixth operative paragraph of Part A of draft resolution A/C.6/L.585, as reintroduced and expanded by Czechoslovakia and Poland, which would have provided that the new Special Committee would meet "in Geneva unless an invitation acceptable to the Special Committee is received from a Member State."

(d) The Committee adopted without a vote the oral amendment of New Zealand to the sixth operative paragraph of Part A of draft resolution A/C.6/L.585, providing that the new Special Committee should meet "at the Headquarters of the United Nations."

(e) The Committee adopted draft resolution A/C.6/L.585, as amended, as a whole by 72 votes to none, with no abstentions.

(f) The Committee adopted, by 59 votes to none, with 10 abstentions, draft resolution A/C.6/L.580 on the question of methods of fact-finding, as amended by the deletion of the fifth preambular paragraph, which had been withdrawn by the sponsor.

73. Following the decisions of the Committee, the Chairman, by communication to the Rapporteur, nominated Algeria, Chile, Kenya and Syria to the four additional seats on the Special Committee. In nominating the four countries, the Chairman felt bound to give effect to the leading candidacies which had emerged in the context of an expansion of the Special Committee by four members.

RECOMMENDATIONS OF THE SIXTH COMMITTEE

74. The Sixth Committee recommends to the General Assembly the adoption of 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

A

The General Assembly,

Recalling its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961, 1815 (XVII) of 18 December 1962 and 1966 (XVIII) of 16 December 1963,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of these principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind that the Conference of the Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly of the United Nations the adoption of a declaration on these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve general agreement in every stage of the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), without prejudice to the applicability of the rules of procedure of the General Assembly, and with a view to the early adoption of a declaration which would constitute a landmark in the progressive development and codification of these principles,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,^{3/} established by General Assembly resolution 1966 (XVIII), which met at Mexico City from 27 August to 2 October 1964,

Having also considered, pursuant to paragraph 5 of General Assembly resolution 1966 (XVIII), the principle of the duty of States to co-operate with one another in accordance with the Charter of the United Nations, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

1. Takes note of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

2. Expresses its appreciation to the Special Committee for the valuable work it performed at Mexico City;

3. Decides to constitute a Special Committee, composed of the members of the Special Committee established under General Assembly resolution 1966 (XVIII),^{4/} to which are added Algeria, Chile, Kenya and Syria;

4. Requests the Special Committee:

(a) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth sessions of the General Assembly and of the report of the previous Special Committee, the consideration of the four principles set forth in paragraph 3 of General Assembly resolution 1815 (XVII), having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

(b) To consider the three principles set forth in paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

^{3/} A/5746.

^{4/} See A/5689 and A/5727.

- (ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);
 - (iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;
- (c) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;

5. Recommends the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

6. Requests the Special Committee to meet at United Nations Headquarters as soon as possible and to report to the General Assembly at its twenty-first session;

7. Requests the Secretary-General to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work;

8. Decides to place 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" on the provisional agenda of its twenty-first session.

B

The General Assembly,

Having considered the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities",

Bearing in mind the close connexion between this item and 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",

Requests the Special Committee, as provided for under resolution A above, to take into consideration, in the course of its work and in drafting its report, documents A/5757 and Add.1 submitted to the General Assembly and the discussions at the twentieth session on the item mentioned in the first preambular paragraph above.

DRAFT RESOLUTION II

Question of methods of fact-finding

The General Assembly,

Recalling its resolution 1967 (XVIII) of 16 December 1963 on the question of methods of fact-finding,

Noting with appreciation the report of the Secretary-General on methods of fact-finding,^{5/}

Noting the comments on this question submitted by Governments pursuant to paragraph 1 of resolution 1967 (XVIII) and the views expressed during its twentieth session,

Noting chapter VII of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,^{6/} established under General Assembly resolution 1966 (XVIII) of 16 December 1963,

Believing that the question of methods of fact-finding requires further study and that the materials resulting from such further study would be equally of value for any further consideration of the item entitled "Peaceful settlement of disputes",

1. Requests the Secretary-General to supplement his study on the relevant aspects of the problem so as to cover the main trends and characteristics of international inquiry as envisaged in some treaties as a means of ensuring their execution, and to report to the General Assembly at its twenty-first session;

^{5/} A/5694.

^{6/} A/5746.

2. Invites Member States to submit in writing to the Secretary-General, before July 1966, any views or further views they may have on this subject in the light of the reports of the Secretary-General and the relevant chapter of the report of the Special Committee established under General Assembly resolution 1966 (XVIII), and requests the Secretary-General to transmit these comments to Member States before the beginning of the twenty-first session of the General Assembly.
