CANADIAN DELEGATION TO THE UNITED NATIONS GENERAL ASSEMBLY

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Item 71: Friendly Relations and Cooperation Among States

Statement by Mr. James E. Brown, Q.C., M.P.
Canadian Representative on the Sixth Committee of the United Nations General Assembly
November 20, 1963.

Mr. Chairman,

My delegation had not planned on intervening at this stage of the debate on Agenda Item 71 which has turned out to be procedural to a large extent. The Canadian Government, in its written comments transmitted to the Secretary-General of the United Nations on July 4, 1963, contributed some views and suggestions on Resolution 1815, adopted at the Seventeenth Session, whereby the Sixth Committee was given the important task of considering the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations. Moreover, this delegation, along with several others, submitted at this Session in Working Paper A/C.6/L.531 some further suggestions as to the handling of this item.

It has become apparent to us, however, that we should speak briefly in reply to various questions and doubts which have been raised concerning these suggestions.

My delegation read with great interest the comments contributed by other governments and has listened to the many interesting suggestions which have been made so far in the course of this general debate. The wealth and diversity of approaches which have been proposed point to the wisdom of keeping an open mind about the nature of the study being undertaken, about its pace, and about its eventual results. The debate in itself tends to confirm that only the test of experience will reveal whether this study is to be a short or a long term

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proposition, and whether it will be self-liquidating or may lead to the adoption of resolutions on specific points, or to elaborating draft conventions, or to other documents, or to all these results. Accordingly we can only at this stage treat with great reserve any predetermined solutions or prefabricated declarations.

Mr. Chairman, references were made in the course of this debate to a document tabled in this Committee at the Seventeenth Session, namely, to Draft Resolution A./C.6/L.505 submitted on October 26, 1962 by the Delegation of Czechoslovakia and consisting of a proposed Draft Declaration of Principles of International Law. As reflected in the Official Records of the Seventeenth Session, that document, together with two other draft resolutions, moved respectively by the delegations of Yugoslavia and of Canada, were withdrawn by their respective co-sponsors in favour of compromise Resolution 1815, which constitutes the item before the Sixth Committee at its current session.

Therefore, this delegation takes exception to certain statements made at this Session which, if we understood them correctly would tend to indicate that draft resolution A/C.6/L.505 may be considered as still before this Committee. Such attempts to reopen the terms of Resolution 1815, which was unanimously agreed last year after a lengthy debate and difficult negotiations, we can only interpret as attempts to flout the express wishes of the General Assembly.

On the question of timing, we regret that various proponents of a target date have striven to change the list of topics laid out in Resolution 1815, thus provoking some time-wasting discussions. We fail to understand how they reconcile urging speed with their own efforts to bring back under the priority topics proposals which were discarded from Resolution 1815. Some of these proposals are better discussed and are being discussed in other forums; others might lead the Sixth Committee to being at cross-purposes with the work of the International Law Commission; finally, with all due respect, others are perhaps false problems which appear to stem from semantic distinctions.

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Mr. Chairman, in stressing in Working Paper A/C.6/L.531 that coexistence is not the subject before this Committee, this Delegation, for its part, has wanted to restate its conviction that friendly relations among States is a much broader theme. One must be extremely careful to avoid distorting the language of the Charter where it refers to friendly relations among nations. The Charter is based on the fundamental principle of the sovereign equality of all its members and seeks to harmonize difference while accepting the diversity and complexity of relations between States, whether neighbouring or far apart. This approach is clearly incompatible with a unilaterally held concept of a world divided into two rival socio-economic systems. Such a view cannot be superimposed upon the Charter without doing violence to its fundamental principles. Indeed, the promotion of any special viewpoint not generally held by member states is by definition inappropriate as a target for International Cooperation Year.

In this connection, we noted the frank statement made in the General Assembly recently by His Excellency the President of Yugoslavia who viewed the codification of the principles of co-existence as an essentially political rather than a legal exercise.

The debate thus far has indicated that many shades of opinion exist on both substance and procedure. It rests with this Committee to reconcile these conflicting views and to bridge these differences. A good start in this direction was made two years ago when agreement was reached on the general theme to be studied i.e. friendly relations and cooperation among States in accordance with the Charter. A further important step was taken last year when agreement was reached on the general procedure to be followed i.e. to begin studying the four principles of non-use of force, peaceful settlement of disputes, sovereign equality of States, and non-intervention.

Within this framework, this Delegation feels that it may advance or support, at this or another session, without, it hopes, being branded as obstructionist, such proposals as were outlined e.g. by the Delegation

of The Netherlands, toward a draft resolution, and by the Mexican and other Latin American delegations, toward draft conventions, with reference to the second sub-item of our agenda, the peaceful settlement of disputes.

Mr. Chairman, let us hope that the Committee will see its way clear to proceeding immediately with the task before it, namely the detailed consideration of the sub-items, without taking up much more time on procedure. In formulating this wish, we cannot, of course, close our eyes to the intrinsic difficulties of procedure and treatment which are involved owing to the importance and high level of the subject matter.

The task of this Committee is difficult enough in cases where the Sixth Committee deals with draft instruments or recommendations carefully developed by the International Law Commission after much study and discussion and relating to specific and well-defined areas of the law. It becomes a much more difficult endeavour when the subject matter of the study consists in the very principles governing the fundamental rights and duties of States.

Fortunately, however, the task of the Committee is simplified by the existence of the Charter of the United Nations, itself the fundamental statement of principles of international law, providing both a guide and an anchor for the Committee's studies. For this reason, we think that this study can be beneficial in itself and might achieve some beneficial results.

While the Committee as a whole, as several delegations have already started doing, embarks upon the detailed consideration of the substance of each topic, a steering committee or an ad hoc group might, for the remainder of this session, help iron out procedural difficulties. Whatever other accessory functions are entrusted to such a group, its existence should not, we trust, stifle or short-circuit the earnest and serious consideration of the topics listed in Resolution 1815 by the full Committee.

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Mr. Chairman, the Canadian Delegation intends to make separate statements at this or the next session on such topics as peaceful settlement of disputes and sovereign equality. It realizes the need to preserve a certain elasticity in the order of treatment and it welcomes the initiative taken by the Secretariat to provide us with background material as a starting point.

Thank you, Mr. Chairman.