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General Assembly - Eighteenth Session - Written assessments by seven Under-Secretaries-General on the work of committees of the General Assembly

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WDP
TO:       U Thant  
Secretary-General  

FROM:     C. A. Stavropoulos  
Legal Counsel  

SUBJECT:  Proceedings of the Sixth Committee at the  
Eleventh Session of the General Assembly.  

By memorandum of 13 December 1963 you have requested my written  
assessment of the work of the Sixth Committee at the eleventh session.  
As you are aware, there were four items on the Sixth Committee's agenda  
this year as follows:  

1. By memorandum of 13 December 1963 you have requested my written  
   assessment of the work of the Sixth Committee at the eleventh session.  
   As you are aware, there were four items on the Sixth Committee's agenda  
   this year as follows:  

   69. Report of the International Law Commission on the work  
       of its fifteenth session;  

   70. Question of extended participation in general multilateral  
       treaties concluded under the auspices of the League of  
       Nations;  

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

   72. Technical assistance to promote the teaching, study, dis-  
       semination and wider appreciation of international law:  
       report of the Secretary-General with a view to the  
       strengthening of the practical application of international  
       law.  

On all these items the Committee adopted resolutions, for the most part  
by unanimity, or by large majorities in favour of them. In this sense,  
therefore, it has been a successful session for the Committee. This,  
however, is not the whole picture. To explain the situation more fully,  
before analysing the value of the resolutions adopted, I would like to  
make some comments about the proceedings leading up to them.  

2. For quite a number of years now the Sixth Committee has had a  
very small agenda, as regards the number of items referred to it. Because  
of this there has been a marked reluctance on the part of delegates in  
the Committee to give consideration of an item under way, on the mistaken  
assumption that there will be plenty of time. When a new item comes up,  
meetings have often to be cancelled on account of a lack of speakers, or  
start so late that little time is left to hear a number of statements.
The result of this is that towards the end of the session the Committee finds itself with very little of its work done, and it has to rush to complete its agenda, which often means inadequate consideration of at least the last item (as happened to item 72 this year). Furthermore, as legal questions do not attract the same attention as political issues arising in other Committees, quite a number of the delegates assigned to the Sixth Committee are of relatively junior rank and with little experience of United Nations proceedings. Attendance at the Committee rarely exceeds about seventy-five per cent, probably as some of the members prefer sitting in other Committees. Because of the smallness of many delegations, the practice of assigning one person to more than one Committee is not uncommon, and in such cases the Sixth Committee comes off worse. The foregoing factors have been apparent for a number of years, and I regret that there was very little improvement in the situation just described this year.

3. The atmosphere in the Sixth Committee has always been somewhat different from that prevailing in the political Committees. Being concerned for the most part with legal and technical questions, it has never been an accurate "barometer" of the "international climate", and it has for many years been perhaps the only Committee where most resolutions are adopted by virtual unanimity no matter what the state of general international relations. This year a more political atmosphere prevailed, particularly in connection with items 70 and 71. The "all States" question arose in a somewhat acute form in the consideration of the resolution eventually adopted on item 70. Item 71, furthermore, which was first included in the Sixth Committee agenda last year, is one to which the eastern and western blocs have a fundamentally different approach and which is, truthfully speaking, as much a political as a legal question. In view of the foregoing it cannot be said that the atmosphere in the Committee was any more relaxed than usual and, in fact, on the two items just mentioned debate was more heated that it has been in the Committee for quite some time. However, as already pointed out, this is to be explained on the basis of the political rather than legal nature of the questions involved.

4. Lest the foregoing analysis sounds too pessimistic it must be recalled that the Committee succeeded in adopting resolutions on all its items, and did not have to postpone any to another session as is sometimes the case when no agreement can be reached. The resolution on item 69, the report of the International Law Commission, is largely of a technical and routine character, which is to be expected in the case of an item considered by the Committee every year. The resolution adopted on item 70, namely extended participation in multilateral treaties concluded under the auspices of the League of Nations, is a useful one and breaks new ground in inviting the new States to become parties to League Conventions which would otherwise not be open to those States in view of the denise of the League.
5. Item 71, which was the most important before the Committee this year, dealt with the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations. This is an item which will be before the Sixth Committee for many years to come. I believe that more progress would have been made on it at the eighteenth session and it not been for the inflexibility shown by two major powers. One of those is eager to obtain a general declaration as early as possible on the principles under consideration. The other is opposed to the idea of such a declaration, or at least might only agree to it after a very thorough and extensive study—possibly taking several years—of the principles concerned.

6. Despite the foregoing factor, the Committee succeeded in adopting two resolutions on item 71. This is perhaps all the more remarkable, in view of the somewhat heated atmosphere prevailing in the debate. The first, and more important of the resolutions, provides for the establishment of a Special Committee to study and report to the next session on certain stated Charter principles. This resolution was adopted unanimously, while it represents an important step forward, I rather fear that it may prove difficult to arrive at a generally accepted definition of the resolution, one of the tasks of the Special Committee, the various points of view represented in the Sixth Committee each interpreting it in its own way. It is to be expected, therefore, that the way of the Special Committee will be by no means smooth and it cannot be automatically hoped that its work will come to a successful conclusion.

7. As already mentioned, item 72, on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, was not considered at any length. Nevertheless, the Committee adopted a set of resolutions which look towards a definite programme in this field, and provide for the early implementation of some elements of the programme and for further consideration of the matter by the Sixth Committee at its next session. These are somewhat lengthy resolutions, which were carefully drafted to avoid any additional expense for the Organization at least during 1964.

8. In conclusion, the Sixth Committee, while continuing certain drawbacks from previous years, has had a not wholly unfruitful session, taking into consideration what was practically possible.