

there was general agreement that the best way of continuing the examination and formulation of the principles was to ask the Special Committee, as reconstituted by the General Assembly in 1965, to hold a new session in 1968.

With respect to the mandate of the Special Committee for its 1968 session, most Members considered it realistic to keep the Special Committee's task limited. In this connexion, certain Members, including Cameroon, Italy, the Philippines and Sweden, suggested a programme of work in three stages, namely, formulation of the principles on which there had been no consensus, widening of the points of agreement on the other principles, and preparation of a draft declaration on all the principles. Members who spoke on the question of the Special Committee's mandate addressed themselves mainly to the following points: whether it was appropriate to refer to the Special Committee all seven principles or only those on which there had not yet been any agreement; whether an order of priority should be expressly established for the consideration of the principles to be referred; whether reference should be made to the General Assembly's resolution of 21 December 1965 (2131 (XX)) in connexion with the principle of non-intervention and, if so, how the task of the Special Committee on that principle should be defined; and whether the Special Committee should try to widen the area of agreement on the principles already formulated. Differences of opinion with regard to the third of these points had a decisive effect on the nature of the voting.

There was also discussion about the role to be played by the method of consensus or general agreement in the work of the Special Committee. A large number of Members, including Cameroon, Ceylon, Chile, Czechoslovakia, Ghana, India, Kenya, Mexico, Poland, the United Arab Republic, the United Republic of Tanzania, Uruguay and Yugoslavia, considered that such a method should be an incentive for negotiation or compromise but not an absolute rule; its abuse as a kind of right of veto would prevent or hinder the progressive development of international law. Those members agreed that if consensus proved impossible because of unjustified opposition by a minority, the Special Committee should adopt majority decisions.

For other Members, on the other hand, including Australia, Austria, Belgium, France, Italy, Japan, Malta and the Netherlands, the method of consensus was the only possible one in order to ensure the universal recognition and application of the formulations to be adopted. They felt that the codification and development of principles by means of a simple majority vote would be harmful to the unity and indivisibility of the international legal order.

Various Members referred to the suggestions made by the representative of Italy in the 1967 Special Committee concerning methods and procedures for future work on the principles. Belgium maintained that the Special Committee's work should be based on a legal study of the theoretical positions and practices of all States, taking into account the relevant instruments and declarations. Other Members, including Canada, Ceylon, the United Kingdom and Yugoslavia, stressed the advantages of making better use of the working groups set up within the drafting committee of the Special Committee. Finally, many Members, including Canada, Czechoslovakia, France, Madagascar, Mexico, the Netherlands, Sweden, the United Kingdom and Yugoslavia, placed emphasis on the value of discussing compromise formulations through informal consultations.

The Sixth Committee discussed each of the seven principles referred to the Special Committee. Points made during the debate included the following.

#### **PROHIBITION OF THREAT OR USE OF FORCE**

It was widely recognized that in 1967 the Special Committee had done important exploratory work and had made progress with regard to the formulation of the principle concerning the prohibition of the threat or use of force. Several Members, including Afghanistan, Finland, Japan, the Netherlands, Senegal and the United States, laid stress on the areas of agreement reached in the working group which had considered the principle (see above); they felt that progress could best be made by preserving areas of agreement as and when they were arrived at. There was general accord that the prohibition of armed force stated in the principle extended to the prohibition of the use of