CHAPTER III

PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES

On 12 December 1966, the General Assembly, by its resolution 2181 (XXI),[1] asked the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, as reconstituted by the General Assembly on 20 December 1965 (resolution 2103 A (XX),[2] to continue its work on the seven principles which the Assembly had set forth in 1962.[3]

[1] See Y.U.N., 1966, pp. 911-12, for text of resolution.

[2] See Y.U.N., 1965, pp. 631-33, for details and text of resolution 2103 A and B (XX).

[3] See Y.U.N., 1962, pp. 494-95, resolution 1815 (XVII), containing text of principles.

The General Assembly also requested the Special Committee to complete the formulation of the four principles relating to the prohibition of the threat or use of force, the duty of States to co-operate with one another in accordance with the United Nations Charter, the principle of equal rights and self-determination of peoples and the fulfilment of obligations in good faith, in the light of the debate which had taken place in the Sixth Committee during the seventeenth, eighteenth, twentieth and twenty-first sessions of the General Assembly and in the 1964 and 1966 Special Committees. The Special Committee was also requested to consider proposals on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, with the aim of widening the area of agreement already expressed by the General Assembly in a resolution of 21 December 1965.[4]

After asking the Special Committee to consider, as a matter of priority, the five principles referred to above, the General Assembly further requested it to examine any additional proposals with a view to widening the areas of agreement expressed in the formulations of the 1966 Special Committee concerning the principle that States should settle their international disputes by peaceful means in such a manner that international peace and security and justice would not be endangered, and the principle of sovereign equality of States.

The Assembly's resolution 2181 (XXI) of 12 December 1966 also contained a request to the Special Committee to submit to the twenty-second (1967) session of the General Assembly a comprehensive report on the seven principles entrusted to it for study and a draft declaration which would constitute a landmark in the progressive development and codification of those principles.

The 1967 Special Committee met at Geneva, Switzerland, from 17 July to 18 August and adopted a report transmitting to the General Assembly the reports of its drafting committee on the seven principles, which were taken note of by the Special Committee.

REPORT OF SPECIAL COMMITTEE

As indicated in the introduction to its report to the General Assembly, the 1967 Special Committee reconstituted its drafting committee, which had been originally established at the Assembly's twenty-first session in 1966. The Special Committee, after having completed an initial discussion on each of the seven principles, referred them to the drafting committee. Following an exchange of views, the drafting committee appointed working groups to deal with those principles. The working groups reported to the drafting committee, which then submitted its own reports to the Special Committee.

An account is given below, principle by principle, of the work of the Special Committee, based on its report.

PROHIBITION OF THE THREAT OR USE OF FORCE

Six written proposals and an amendment concerning the prohibition of the threat or use of force were submitted to the 1967 Special Committee by Czechoslovakia; jointly by Australia, Canada and the United States; by the United Kingdom; a joint amendment by Italy and the Netherlands to the foregoing proposal; jointly by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia; and jointly by Argentina. Chile, Guatemala, Mexico and Venezuela.

Some of these proposals reproduced the contents of proposals submitted to the Special Committee at its 1966 session. Although differing in scope and content, the proposals before the 1967 Special Committee related as a whole to matters such as a general statement of the principle; the definition of the term "force," including armed force, regular forces, irregular or volunteer forces, armed bands, indirect aggression and economic, political and other forms of pressure or coercion; wars of aggression; war propaganda; acts of reprisal; use of force in territorial disputes and boundary claims; inviolability of State territory and non-recognition of situations brought about by the use of force; disarmament; dependent territories, particularly the use of armed force or repressive measures against colonial peoples, the status of territories under colonial rule and the compliance with

[4] See Y.U.N., 1965, pp. 94-95, text of resolution 2131(XX).

Charter obligations with respect to the political development of dependent territories; compliance in good faith with obligations with respect to the maintenance of international peace and security; making the United Nations security system more effective; lawful uses of force, including the use of force on the decision of a competent organ of the United Nations or of a regional agency, in exercise of the right of individual or collective self-defence and in self-defence against colonial domination.

The drafting committee, having referred the principle to a working group, transmitted to the Special Committee for consideration the working group's report setting forth some points on which agreement had been reached, the modalities and limitations of that agreement, and some of the areas of disagreement.

As reported by the drafting committee, there was agreement on the following statements: "Every State has the duty to refrain in its 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" ; and, "Consequently, such a threat or use of force shall never be used as a means of settling international issues." There was also agreement: that every State has the duty to refrain from acts of armed reprisal; on the inclusion of the concept of general and complete disarmament under effective international control as a corollary to the principle of the prohibition of the threat or use of force and on the inclusion in that statement of a reference to measures to reduce international tensions and strengthen confidence amongst States, which could read: "All States [shall] [should] pursue negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt measures to reduce international tensions and strengthen confidence among States"; and on the need to include a list of specific exceptions under the relevant provisions of the Charter to the prohibition of the threat or use of force. There was also agreement in principle: that a war of aggression constitutes a crime against the peace, and on the inclusion of the concept of responsibility for wars of aggression; that every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers between States; that every State has the duty to refrain from organizing or encouraging the organization of irregular volunteer forces for incursion into the territory of another State; that every State has the duty to refrain from involvement in civil strife and terrorist acts in another State; and on the desirability of making the United Nations security system more effective.

The Special Committee took note of its drafting committee's report.

DUTY OF STATES TO CO-OPERATE

Six written proposals and three amendments on the duty of States to co-operate were submitted to the 1967 Special Committee by Czechoslovakia; jointly by Australia, Canada, Italy and the United States; jointly by Burma and Lebanon; an amendment by Chile to the foregoing proposal; by the United Kingdom; amendments by Italy and by Canada, respectively, to the foregoing proposal; by Romania; and jointly by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia. Some of these proposals and amendments reproduced the contents of proposals and amendments submitted to the 1966 Special Committee. In 1967, the Special Committee had also before it the formulation contained in a statement made by the Chairman of the 1966 Special Committee at the conclusion of its work.

The texts considered by the 1967 Special Committee related, as a whole, to such matters as the legal nature of the principle, its relationship to other principles, the questions of universality and non-discrimination, co-operation in the political field and in the maintenance of international peace and security, in the economic, social and other related fields, in the area of human rights and fundamental freedoms and with the United Nations, jointly or separately.

The drafting committee, having referred the principle to a working group, submitted the following report to the Special Committee, which took note of it:

The drafting committee considered the report of the working group . . . and accepted the text set out therein, as expressing the consensus of the drafting committee.

That text reads as follows:

1. States have the duty to co-operate with one another, irrespective of the differences in their political, economic, and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

2. To this end:

(a) States shall co-operate with other States in the maintenance of international peace and security.

(6) States shall co-operate in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance.

(c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention.

(d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

3. States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

Seven written proposals and amendments concerning the principle of equal rights and self-determination of peoples were submitted to the 1967 Special Committee by Czechoslovakia; jointly by Burma, Dahomey and Lebanon; by the United States; an amendment by Lebanon to the foregoing proposal; by the United Kingdom; jointly by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia; and an amendment by Ghana to the foregoing proposal.

These proposals and amendments, some of which had been submitted to the 1966 Special Committee, dealt with, in varying degrees, the nature of the rights involved in the concept of self-determination; the scope of the principle, particularly as to its beneficiaries and the meaning of the term "peoples," its applicability to colonial and other peoples and its recognition in the widest sense; the implementation of the principle with respect to peoples under colonialism, focusing on colonialism as a violation of the principle, the prohibition of armed action or repressive measures against colonial peoples, the right of self-defence against colonial domination, assistance to the United Nations, full implementation of the principle and the status of dependent territories; and the implementation of the principle with respect to other than colonial peoples, especially by a State with respect to peoples within its jurisdiction and in relations between States, as well as the right to internal autonomy.

The drafting committee, having referred the principle to a working group, concluded that the areas of agreement recorded in the latter's report were hardly sufficient to justify transmitting the report to the Special Committee for its information. The Special Committee took note of that conclusion as reported by its drafting committee.

FULFILMENT OF OBLIGATIONS IN GOOD FAITH

Six written proposals on the principle of fulfilment of obligations in good faith were submitted to the 1967 Special Committee by Czechoslovakia; jointly by Burma and Lebanon; by the United States; by the United Kingdom; by Ghana; and jointly by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia.

These proposals, some of which reproduced the contents of proposals submitted to the 1966 Special Committee, referred as a whole to the scope of the principle; the concept of good faith; compliance with obligations arising out

of the United Nations Charter and of treaties and other sources of international law; and the limitations upon the duty to comply with treaty obligations, stressing the questions of unequal treaties, void or voidable treaties and treaties in conflict with Charter obligations.

Having referred the principle to a working group, the drafting committee submitted the following report to the Special Committee, which took note of it:

> The drafting committee considered the report by the working group . . . and accepted the text set out therein as expressing the consensus of the drafting committee. That text reads as follows:
>
> 1. Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.
> 2. Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.
> 3. Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.
> 4. Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

DUTY OF NON-INTERVENTION

The 1967 Special Committee had before it the text of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in the General Assembly's resolution of 21 December 1965 (2131 (XX)). Substantive proposals in written form had been submitted in 1966 jointly by Australia, Canada, France, Italy and the United States; by Czechoslovakia; and jointly by Australia and Italy; and, at the 1967 session, by the United Kingdom. A draft resolution on the principle was also submitted to the 1967 Special Committee by Argentina, Cameroon, Chile, Czechoslovakia, Ghana, Guatemala, India, Kenya, Mexico, Nigeria, Poland, the USSR and Venezuela to the effect that the Special Committee would decide to include the operative paragraphs of the General Assembly's resolution of 21 December 1965 (2131 (XX)) in the formulation of the principle on the duty not to intervene, to be incorporated in the draft declaration on the seven principles.

The texts before the Committee dealt with such aspects of the content of the principle as general prohibition; intervention in the external affairs of States; armed intervention, the organization, assistance, fomenting, financing, incitement or toleration of subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, and other forms of interference; coercive measures; interference in civil strife; the use of force to deprive peoples of their national identity and the question of self-determination; the strict observance of obligations under the principle; the right of a State to choose its political, economic, social and cultural systems; the supremacy of Charter provisions relating to the maintenance of peace and security; freedom of inter-State association; and other forms of intervention such as action by a State to protect its nationals and its interests in violation of international law, and intervention under the cloak of exercise of treaty rights. The Special Committee referred the principle to its drafting committee after an exchange of views in which reference was also made to the General Assembly's resolution of 21 December 1965 (2131 (XX)), to the question of the Special Committee's mandate and to the proposals submitted, in the light of the mandate. The drafting committee took note that there was no report from the respective working group and so informed the Special Committee.

The Special Committee took note of the drafting committee's report after hearing a statement made on behalf of the sponsors of the 13-power draft resolution referred to above, to the effect that no immediate action be taken on it, it being understood that the draft remained before the Committee.

PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

The 1967 Special Committee had before it the text setting out points of consensus adopted in 1966 on the principle of the peaceful settlement of international disputes, and four written proposals or amendments submitted jointly by

Dahomey, Italy, Japan, Madagascar and the Netherlands; by Chile; jointly by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia; and by the United Kingdom. The additional proposals or amendments designed to supplement the 1966 consensus text related in general to questions such as the duty to settle peacefully international disputes as "the expression of a universal legal conviction of the international community"; judicial settlement; resort to regional agencies or arrangements and to the competent organs of the United Nations; good offices; disputes relating to the application and interpretation of conventions; the desirability of adhering to existing multilateral conventions providing means or facilities for peaceful settlement; and the codification and progressive development of international law.

The drafting committee, having referred the principle to a working group, took note of the latter's report and transmitted it to the Special Committee for its information. As reported by the drafting committee, the working group was agreed on the desirability of maintaining the areas of agreement already achieved in the formulation agreed by the 1966 Special Committee. The working group further reported on the degrees of agreement and disagreement on areas covered by the additional proposals; however, no changes were made to the 1966 consensus text. The Special Committee took note of its drafting committee's report.

SOVEREIGN EQUALITY OF STATES

The Special Committee based its consideration of the principle of sovereign equality of States on the text setting out points of consensus that it had unanimously adopted in 1966. Six written amendments were before the 1967 Special Committee, submitted respectively by Czechoslovakia, the United States, the United Arab Republic, Kenya, Ghana and the United Kingdom.

The amendments, designed to supplement the 1966 text, covered as a whole matters such as the right of States to dispose freely of their national wealth and natural resources, and to take part in the solution of international questions affecting their legitimate interests; the relationship between State sovereignty and international law; the right of States to remove any foreign military bases from their territories; the prohibition of actions having harmful effects on other States; and the prohibition of arbitrary discrimination among States Members of the United Nations.

The drafting committee, having referred the principle to a working group, took note of the latter's report and transmitted it to the Special Committee for its information. As reported by the drafting committee, the working group was agreed on the desirability of maintaining the consensus text agreed by the 1966 Special Committee. The working group further reported on the degrees of agreement and disagreement on areas covered by the additional amendments; however, no changes were introduced in the 1966 consensus text. The Special Committee took note of its drafting committee's report.

CONSIDERATION BY GENERAL ASSEMBLY

The report of the 1967 Special Committee served as the basis for the consideration by the General Assembly, at its twenty-second (1967) session, of the agenda 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 was allocated to the Assembly's Sixth (Legal) Committee.

Most of the Members speaking in the Sixth Committee considered that the progress made by the Special Committee in 1967 represented a definite step towards the codification of the seven principles which the Special Committee had been asked to study, and that the results achieved so far were encouraging from the point of view of the adoption, by the General Assembly, of a declaration which would constitute a landmark in the progressive development and codification of those principles. Emphasis was laid, however, on the lack of consensus in the Special Committee on the three principles most important for the maintenance of international peace and security, and by some Members, including France and Romania, on the limitations of the wordings adopted thus far on four principles, which, in their opinion, should be amplified or improved. Nevertheless,

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

irregular forces, volunteer or mercenary forces or armed bands and to other acts of indirect aggression. Several Members, including the Central African Republic, Chile, the Congo (Brazzaville), Kenya and Mali, favoured the inclusion in the formulation of an express provision to the effect that States had an obligation to refrain from such acts and from inciting to civil war or fomenting acts of terrorism in other States.

Many Members, including Bolivia, Chile, Hungary, Iran, Madagascar, Malaysia, the Philippines, Sierra Leone, Somalia, Tunisia and Uruguay, maintained that the term "force" covered not only armed force but also any form of coercion, including political, economic or any other kind of pressure directed against the territorial integrity or political independence of a State. Wars of aggression were generally condemned, and some Members, including Chile, Mali and the United Arab Republic, stressed the necessity to incorporate in the formulation of the principle the idea of the responsibility of States which unleashed wars of aggression or committed other crimes against peace. In the opinion of Mali and Poland, this gave rise to political and material responsibility of States and to penal liability of the perpetrators of those crimes.

It was thought by some Members, in particular, the Byelorussian SSR, Chile, Finland and Poland, that a formulation of the principle should prohibit propaganda designed to encourage wars of aggression. Chile and Cuba expressly condemned armed reprisals. The United States considered that a reference to international lines of demarcation should be included in the formulation of the principle. A number of Members regarded the inviolability of State territory as an essential element of the principle. Some, including Chile and the Congo (Brazzaville), maintained that the territory of a State could not be subjected to military occupation or other measures involving the use of force by another State. Honduras also condemned the peaceful occupation of foreign territories. Several Members—among them, Chile, the Congo (Brazzaville), Hungary, India, Madagascar, Senegal. Tunisia and Yugoslavia—took the view that the formulation of the principle should exclude the possibility of recognizing territorial acquisitions resulting from the threat or use of force. The Congo (Brazzaville), the United States and Uruguay favoured the inclusion of statements concerning, respectively, the desirability of making the United Nations security system more effective, and of securing general and complete disarmament under effective international control.

With regard to exceptions to the prohibition of the threat or use of force, some Members emphasized that the right of individual or collective self-defence should be limited strictly to the circumstances specified in Article 51 of the United Nations Charter.[5] Several Members, in particular the Congo (Brazzaville), Hungary, Kenya, Somalia, Syria, Tunisia, the Ukrainian SSR and the United Republic of Tanzania, believed that self-defence against colonial domination should also be regarded as an exception to the general rule. However, others, such as the United Kingdom, considered it unacceptable to extend the doctrine of self-defence into the colonial field.

DUTY OF STATES TO CO-OPERATE

The consensus text on the principle concerning the duty of States to co-operate approved by the drafting committee of the 1967 Special Committee (see above), was considered by several Sixth Committee Members to be generally satisfactory. Some Members, however, considered that its content could be expanded or improved in the future. Romania, for instance, believed that reference should be made in the: definition to the principles concerning the promotion of respect for national sovereignty and independence, equal rights of States, non-inter-

[5] Article 51 of the United Nations Charter reads:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

ference and mutual advantage. Honduras hoped that it would be possible at some future date to establish the obligation of the wealthier countries to come to the aid of the poorer. Thailand considered that mention should be made of the duty of States to refrain from hindering other States which were co-operating among themselves in accordance with the Charter. Kenya thought that the consensus text would have derived greater strength from an open acknowledgement of the fact that non-discrimination was an essential part of the duty to co-operate. The Byelorussian SSR was of the view that all discrimination between States must be prohibited. Guinea mentioned the eradication of colonialism as being among the aims listed in paragraph 1 of the consensus text. Ceylon stated that paragraph 2 (a) of the consensus text, concerning the duty to co-operate in the maintenance of international peace and security, simply reproduced what had been said in paragraph 1, adding nothing to the content of the principle. China favoured the addition of the words "and the elimination of discrimination against women" at the end of paragraph 2 (b) of the consensus text. Thailand considered that the reference in paragraph 2 (c) of the consensus text to the principles of sovereign equality of States and non-intervention was not clear. Finally, Ceylon and Cyprus regretted that paragraph 3 of the consensus text, concerning co-operation in economic, social, cultural and other fields, was only in the form of an exhortation and did not impose a legal obligation.

EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

A number of Members regretted that the points on which agreement had been reached by the working group concerned with the principle of equal rights and self-determination of peoples had been considered insufficient by the drafting committee to justify their reference to the 1967 Special Committee. The hope was expressed that further discussion in the Special Committee would prove more fruitful.

Several Members, including Afghanistan, the Central African Republic, Mongolia, Senegal, the Ukrainian SSR, and the United Arab Republic, stated that the principle could not be regarded as a mere moral or political postulate but constituted an established rule of contemporary international law.

With regard to the content of the principle, the Congo (Brazzaville), Cuba and Mongolia, among others, referred to the freedom of any State to choose, without foreign interference, the political, economic and social system which it considered desirable, to the exercise of full sovereignty, and to the right of any State to dispose freely of its wealth and natural resources. Guatemala expressed the view that any formulation of the principle must be based particularly on the letter and spirit of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[6] Attention was drawn by some Members to the differences of opinion regarding the definition of "people." For some, "people" meant primarily independent States, while for others it referred essentially to peoples living under colonial domination. A number of Members, including Canada, the Central African Republic, Guatemala, Kenya and Spain, agreed that the principle should not be used in such a way as to affect the national sovereignty and territorial integrity of States. Ecuador considered that the principle could not be invoked by minorities living in the territory of a State to bring about the dismemberment of that State. Ecuador and Bolivia thought that self-determination could not be exercised by the populations of territories which were the subject of a legal dispute between States.

Various Members, including Afghanistan, the Central African Republic, Cuba, Kenya, Poland and the USSR, considered that people deprived of their freedom and their right to self-determination were entitled to exercise their right of self-defence by every means and to receive assistance from other States by virtue of that right.

For others, however, in particular the United Kingdom, the affirmation of the colonial peoples' so-called right of self-defence raised a serious obstacle to agreement on the formulation of the principle.

[6] See Y.U.N, 1960, pp. 49-50, text of resolution 1514(XV).

FULFILMENT OF OBLIGATIONS IN GOOD FAITH

Several Members expressed satisfaction with the contents of the text on the principle concerning the fulfilment of obligations in good faith agreed to by the drafting committee of the 1967 Special Committee (see above). Some criticisms, however, were also voiced. China considered that since certain expressions had not been defined in the consensus text, they might later be given divergent and even conflicting interpretations. Several Members, including the Byelorussian SSR, the Central African Republic, the Congo (Brazzaville), Hungary, Kenya, Madagascar, Syria and Thailand, expressed regret at the absence in the consensus text of an explicit provision that only those international agreements concluded freely and on the basis of equality were valid; they nevertheless accepted the formulation arrived at by the drafting committee on the understanding that it covered that point. Israel thought that although the provision in paragraph 4 of the consensus text was correct, it was not clear whether it also applied to the obligations of Member States under the generally recognized principles of international law. Pakistan and the United States regretted that the consensus text did not include the idea of the supremacy of international legal obligations over those deriving from domestic law.

DUTY OF NON-INTERVENTION

Most of the discussion in the Sixth Committee on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State centered on the General Assembly's resolution of 21 December 1965 (2131 (XX)), containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty.

A number of Members, including Chile, Kenya, the Ukrainian SSR, the USSR and Yugoslavia, attributed the lack of progress at the 1967 session of the Special Committee to the fact that certain delegations, contradicting the Special Committee's terms of reference, had submitted proposals which, far from widening the area of agreement expressed in resolution 2131(XX) of 21 December 1965, had the effect of restricting or ignoring that agreement, thus cutting down the content of the principle and reducing its scope.

Other Members, however, in particular Australia, attributed responsibility for the situation that had arisen in the Special Committee to those who interpreted its mandate as making it inadmissible to introduce the slightest modification to any of the paragraphs of resolution 2131 (XX), an interpretation which they could not accept.

For other Members, including the Netherlands, Sweden and the United States, what in reality had virtually paralysed the Special Committee had been disagreement as to how the principle was to be formulated; it was recalled that there was agreement on the substance of the idea that had been at the centre of the discussion, namely, that coercive intervention involving measures of an economic, political or other nature constituted a violation of international law and of the Charter.

Different views were also expressed concerning the character of resolution 2131(XX) of 21 December 1965. For many Members, including Bolivia, the Central African Republic, Colombia, Ecuador, Iran, Mexico, Uruguay, Yugoslavia and Venezuela, that resolution was the expression of a universal juridical conviction as to the principle of non-intervention. Others, however, the Netherlands and Pakistan among them, felt that although resolution 2131(XX) of 21 December 1965 was an important political declaration, it could not be regarded as a legal document.

PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

A number of Members expressed regret that the 1967 Special Committee had been unable to amplify the consensus text adopted by it in 1966[7] on the principle relating to peaceful settlement of international disputes, although some thought that an amplification could be achieved by taking into account some of the proposals submitted to the Special Committee in 1967. Israel considered that the consensus text was open to misinterpretation because it ignored the principle that appeared in Article

[7] See Y.U.N., 1966, p. 903.

95 of the United Nations Charter.[8] Uruguay maintained that the formulation could be improved by insertion of the amendment proposed in the Special Committee by Chile, which provided that the right to have recourse to a regional agency did not preclude or diminish the right of any State to have recourse direct to the United Nations in defence of its rights. Bolivia considered that the formulation should stress that only the United Nations, through its competent organs, could use force to impose its decisions. The Netherlands expressed support for the inclusion of a specific reference to provisions in general multilateral agreements concluded under the auspices of the United Nations as to disputes relating to the application and interpretation of such agreements.

A number of Members, including Afghanistan, the Central African Republic, Japan, Mexico, Nigeria and the Philippines, considered that the procedure for judicial settlement, and in particular the role of the International Court of Justice, should be taken into account in the final formulation of the principle.

Uruguay stressed the need for the compulsory jurisdiction of the Court in legal disputes arising from treaties and for compulsory resort to arbitration in disputes of any other kind. Tunisia, however, thought it unwise to include any reference to the Court or to the recognition of its jurisdiction as compulsory.

SOVEREIGN EQUALITY OF STATES

The consensus text adopted by the Special Committee in 1966 on the principle concerning sovereign equality of States was generally supported. Some Members further expressed gratification at the agreements in principle reached by the Special Committee in 1967: the USSR with respect to the possible mention in the formulation of the right of every State to participate in the solution of international questions affecting its legitimate interest; and Afghanistan, the Byelorussian SSR, the Central African Republic, Hungary, Nigeria and the USSR, that the matter of the right of States to dispose freely of their national wealth and natural resources should be included in the formulation.

Some Members, however, shared the view that the consensus text was not entirely satisfactory and made reference to specific aspects which in their opinion needed to be included therein. China considered that the second sentence in paragraph 1 of the consensus text was not clear and that it seemed to mean that States were equal in law in spite of their inequalities in economic, social, political or other fields. That would legalize some de facto inequalities between States.

Strong support was expressed by the Byelorussian SSR and the USSR for the right of every State to be admitted to international organizations, to become a party to multilateral treaties that affect its legitimate interests and to eliminate foreign military bases established on its territory. The Byelorussian SSR supported the right of a State to prohibit aircraft carrying nuclear weapons from flying over its territory.

DECISION BY GENERAL ASSEMBLY

On 18 December 1967, the General Assembly, acting on the recommendation of its Sixth Committee, adopted a resolution (2327(XXII)) on the matter, by a recorded vote of 84 to 0, with 17 abstentions. The resolution was based on a proposal put forward in the Sixth Committee by 67 Members and adopted there by 78 votes to 0, with 15 abstentions. (For text of resolution 2327 (XXII) and names of sponsors in the Sixth Committee of the 67-power draft resolution, See DOCUMENTARY REFERENCES below.) A second draft resolution on the matter, sponsored by the United States, was not put to the vote in the Sixth Committee.

[8] Article 95 of the United Nations Charter states:

"Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future."

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY——22ND SESSION
Sixth Committee, meetings 992-1006.
Plenary Meeting 1637.

A/6799. Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with Charter of United Nations. Report of Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.

A/C.6/383. Letter of 8 November 1967 from President of General Assembly to Chairman of Sixth Committee.

A/C.6/L.627. United States: draft resolution.

A/C.6/L.628 and Add.1-3. Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Bulgaria, Burma, Byelorussian SSR, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Democratic Republic of the Congo, Costa Rica, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ethiopia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Kenya, Kuwait, Lebanon, Lesotho, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Panama, Paraguay, Peru, Poland, Romania, Rwanda, Sierra Leone, Sudan, Syria, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia: draft resolution, adopted by Sixth Committee on 22 November 1967, by roll-call vote of 78 to 0, with 15 abstentions, as follows:

In favour: Afghanistan, Algeria, Argentina, Austria, Barbados, Bolivia, Brazil, Bulgaria, Byelorussian SSR, Cameroon, Canada, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Democratic Republic of Congo, Czechoslovakia. Dahomey, Dominican Republic, Ecuador, Ethiopia, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Lesotho, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Sierra Leone, Somalia, Spain, Sudan, Syria, Thailand Togo, Trinidad and Tobago, Turkey, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Australia, Belgium, Denmark, Finland, Iceland, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom, United States.

A/C.6/L.629. Letter of 20 November 1967 from Chairman of Committee on Conferences to Chairman of Sixth Committee.

A/C.6/L.630. Administrative and financial implications of draft resolutions contained in documents A/C.6/L.627 and A/C.6/L.628. Statement by Secretary-General.

A/6955. Report of Sixth Committee.

RESOLUTION 2327(XXII), as proposed by Sixth Committee, A/6955, adopted by Assembly on 18 December 1967, meeting 1637, by recorded vote of 84 to 0, with 17 abstentions, as follows:

In favour: Afghanistan, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Democratic Republic of Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ethiopia, France, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Laos, Lebanon, Libya, Madagascar, Malawi, Malaysia, Maldive Islands, Mauritania, Mexico, Mongolia, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Philippines, Poland, Romania, Senegal, Sierra Leone, Somalia, Spain, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Denmark, Finland, Iceland, Italy, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, South Africa, Sweden, United Kingdom, United States.

"The General Assembly,

"Recalling its resolutions 1815(XVII) of 18 December 1962, 1966(XVIII) of 16 December 1963, 2103(XX) of 20 December 1965 and 2181 (XXI) of 12 December 1966, which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

"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 those 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 Second Conference of Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly the adoption of a declaration on these principles as an important step towards the enhancement of the role of international law in present-day conditions,

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

"Having considered the report of the Special Committee on Principles of International Law concerning

Friendly Relations and Co-operation among States, which met at Geneva from 17 July to 19 August 1967,

"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 that Committee for the valuable work it has performed;

"3. Decides to ask the Special Committee, as reconstituted by the General Assembly in resolution 2103 (XX), to meet in 1968 in New York, Geneva, or any other suitable place for which the Secretary-General receives an invitation, in order to continue its work ;

"4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the seventeenth, eighteenth, twentieth, twenty-first and twenty-second sessions of the General Assembly and in the 1964, 1966 and 1967 sessions of the Special Committee, to complete the formulation of:

"(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations ;

"(b) The principle of equal rights and self-determination of peoples;

"5. Requests the Special Committee to consider proposals compatible with General Assembly resolution 2131(XX) of 21 December 1965 on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations, with the aim of widening the area of agreement already expressed in that resolution;

"6. Calls upon the members of the Special Committee to devote their utmost efforts to ensuring the success of the Special Committee's session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary;

"7. Requests the Special Committee to submit to the General Assembly at its twenty-third session a comprehensive report on the principles entrusted to it;

"8. 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;

"9. Decides to include in the provisional agenda of its twenty-third session 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.' "