

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 1966⁷ 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.