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SIXTH COMMITTEE
Agenda item 71

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW
CONCERNING FRIENDLY RELATIONS AND CO-OPERATION
AMONG STATES IN ACCORDANCE WITH THE CHARTER OF
THE UNITED NATIONS

Selected background documentation prepared by the
Secretariat

INTRODUCTION

At its 795th meeting on 17 October 1963, the Sixth Committee requested (A/C.6/SR.795, p.8) that the Secretariat make available to it selected background documentation relevant to consideration by the Committee of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations (agenda item 71). The present document, which was originally compiled for internal Secretariat use, is submitted pursuant to that request.

The documentary material available in the field of friendly relations and co-operation among States is very extensive. It has therefore been necessary to strictly limit the present selection to some important or characteristic examples relating to the four principles now before the Committee in terms of General Assembly resolution 1815 (XVII). The selection is limited to the following types of material:

1. Quotations from more recent international treaties and declarations.
2. A list of some decisions of international tribunals (with the exception of two instances these decisions have not been quoted, but citations to the necessary source materials are given).
3. Quotations from certain relevant General Assembly resolutions and selected references to United Nations practice.
4. Some decisions and proposals of other bodies.
5. References to the preparatory work of the United Nations Charter.

The present document is intended to serve the Committee as no more than a starting point in its consideration of item 71 of the agenda. Any gaps in the present selection which may emerge in the course of the discussion of the item will be taken into account should it be decided to issue a revision of, or a supplement to the present document for a future session of the General Assembly.

A provisional list of selected publications to each of the four principles currently discussed, which was compiled for internal Secretariat use, will be made available to the Members of the Sixth Committee upon request, through conference officers.

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ABBREVIATIONS

AJIL	American Journal of International Law
BYIL	British Yearbook of International Law
ICJ	International Court of Justice
ILA	International Law Association
ILC	International Law Commission
ILO	International Labour Organisation
IN	League of Nations
PCIJ	Permanent Court of International Justice
UNCIO	United Nations Conference on International Organization
UNTS	United Nations Treaty Series

A. The principle that States shall refrain in their 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

1. International treaties and declarations

League of Nations Declaration concerning Wars of Aggression, 24 September 1927

"The Assembly,

Recognising the solidarity which united the community of nations;

Being inspired by a firm desire for the maintenance of general peace;

Being convinced that a war of aggression can never serve as a means of settling international disputes and is, in consequence, an international crime;

Considering that a solemn renunciation of all wars of aggression would tend to create an atmosphere of general confidence calculated to facilitate the progress of the work undertaken with a view to disarmament;

Declares:

(1) That all wars of aggression are, and shall always be, prohibited;

(2) That every pacific means must be employed to settle disputes, of every description, which may arise between States.

The Assembly declares that the Members of the League are under an obligation to conform to these principles."

(League of Nations Off. Journal, Special Suppl. No.53,
October 1927, p. 22)

Treaty for the Renunciation of War (Briand-Kellogg Pact), Paris, 27 August 1928

Article 1. "The High Contracting Parties solemnly declare, in the names of their respective peoples, that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another."

(United States Treaty Series, No.726)

Note by the Secretariat: For an interpretation of the Briand-Kellogg Pact see "The Budapest Articles of Interpretation", Report of the 38th Conference of the International Law Association.

/...

Anti-War Treaty of Non-Aggression and Conciliation, Rio de Janeiro,
10 October 1933

Article 1. "The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations or in those with other States, and that the settlement of disputes or contraversies of any kind that may arise among them shall be effected only by the pacific means which have the sanction of international law."

(United States Treaty Series, No.906)

Afghanistan-Estonia-Latvia-Persia-Poland-Romania-Turkey-USSR:

CONVENTION defining Aggression London, 3 July 1933

.....

Being desirous of consolidating the peaceful relations existing between their countries;

Mindful of the fact that the Briand-Kellogg Pact, of which they are signatories, prohibits all aggression;

Deeming it necessary, in the interests of the general security, to define aggression as specifically as possible, in order to obviate any pretext whereby it might be justified;

And noting that all States have an equal right to independence, security, the defence of their territories, and the free development of their institutions;

And desirous, in the interest of the general peace, to ensure to all peoples the inviolability of the territory of their countries;

And judging it expedient, in the interest of the general peace, to bring into force, as between their countries, precise rules defining aggression, until such time as those rules shall become universal;

Have decided, with the aforesaid objects, to conclude the present Convention;

.....

Article 1. Each of the High Contracting Parties undertakes to accept in its relations with each of the other Parties from the date of the entry into force of the present Convention, the definition of aggression as explained in the report dated 24 May 1933, of the Committee on Security Questions (Politis report) to the Conference for the Reduction and Limitation of Armaments, which report was made in consequence of the proposal of the Soviet delegation.

Article 2. Accordingly, the aggressor in an international conflict shall, subject to the agreements in force between the parties to the dispute, be considered to be that State which is the first to commit any of the following actions:

- (1) Declaration of war upon another State;
- (2) Invasion by its armed forces, with or without a declaration of war, of the territory of another State;
- (3) Attack by its land, naval or air forces, with or without a declaration of war, on the territory, vessels or aircraft of another State;
- (4) Naval blockade of the coasts or ports of another State;
- (5) Provision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to take, in its own territory, all the measures in its power to deprive those bands of all assistance or protection.

Article 3. No political, military, economic or other considerations may serve as an excuse or justification for the aggression referred to in Article 2. (for examples, see Annex.)

(Text and translation from 147 League of Nations Treaty Series, p. 67)

.....

Declaration annexed to Article 3 of the Convention Defining Aggression,
London, 3 July 1933

/Translation/

The High Contracting Parties signatories of the Convention relating to the definition of aggression,

Desiring, subject to the express reservation that the absolute validity of the rule laid down in Article 3 of that Convention shall be in no way restricted, to furnish certain indications for determining the aggressor,

Declare that no act of aggression within the meaning of Article 2 of that Convention can be justified on either of the following grounds, among others:

A. The internal condition of a State, for example:

Its political, economic or social structure; alleged defects in its administration; disturbances due to strikes, revolutions, counter-revolutions, or civil war.

B. The international conduct of a State, for example:

The violation or threatened violation of the material or moral rights or interests of a foreign State or its nationals; the rupture of diplomatic or economic relations, economic or financial boycotts; disputes relating to economic, financial or other obligations towards foreign States; frontier incidents not forming any of the cases of aggression specified in Article 2.

The High Contracting Parties further agree to recognize that the present Convention can never legitimate any violations of international law that may be implied in the circumstances comprised in the above list.

(Hudson: International Legislation, Vol. VI, pp. 410-415.
See also: Convention defining Aggression signed at London, 4 July 1933 by Czechoslovakia, Romania, Turkey, USSR and Yugoslavia; ibid., pp. 416-419).

(Text and translation from 147 League of Nations
Treaty Series, p. 74)

CONVENTION concerning the use of Broadcasting in the Cause of Peace, Opened for signature at Geneva, 23 September 1936

(Entered into force 2 April 1938)

"....

Article 1: The High Contracting Parties mutually undertake to prohibit and, if occasion arises, to stop without delay the broadcasting within their respective territories of any transmission which to the detriment of good international understanding is of such character as to incite the population of any territory to acts incompatible with the internal order or the security of a territory of a High Contracting Party.

Article 2: The High Contracting Parties mutually undertake to ensure that transmissions from stations within their respective territories shall not constitute an incitement either to war against another High Contracting Party or to acts likely to lead thereto.

Article 3: The High Contracting Parties mutually undertake to prohibit and, if occasion arises, to stop without delay within their respective territories any transmission likely to harm good international understanding by statements the incorrectness of which is or ought to be known to the persons responsible for the broadcast.

They further mutually undertake to ensure that any transmission likely to harm good international understanding by incorrect statements shall be rectified at the earliest possible moment by the most effective means, even if the incorrectness has become apparent only after the broadcast has taken place.

Article 4: The High Contracting Parties mutually undertake to ensure, especially in time of crisis, that stations within their respective territories shall broadcast information concerning international relations the accuracy of which shall have been verified - and that by all means within their power - by the persons responsible for broadcasting the information."

.....

(Text from League of Nations Document, C.399 (I).
M.252 (I).1936.XII.

(Hudson: International Legislation, vol. VII,
1935-1937, pp. 409, 410, 411, 412)

Turkey-Afghanistan-Iraq-Iran: TREATY of Non-Aggression, Teheran, 8 July 1937

.....

"Article 1. The High Contracting Parties undertake to pursue a policy of absolute abstention from interference in their internal affairs.

"Article 2. The High Contracting Parties expressly undertake to respect the inviolability of their common frontiers.

".....

"The following shall be considered as acts of aggression:

"1. A declaration of war,

"2. Invasion by the armed forces of a State, even without a declaration of war, of the territory of another State,

"3. Attack, by the land, naval or air forces of a State, even without a declaration of war, on the territory, ships or aircraft of another State,

"4. Aid or assistance, either direct or indirect, to the aggressor.

"The following shall not constitute acts of aggression:

"1. The exercise of the right of legitimate defence, that is to say, resistance to an act of aggression such as is defined above.

"2. Action undertaken in accordance with Article 16 of the Covenant of the League of Nations.

"3. Action undertaken by reason of a decision taken by the Assembly or the Council of the League of Nations or in accordance with Paragraph 7 of Article 15 of the Covenant of the League of Nations provided that in the latter case such action is directed against the State which first made an attack.

"4. Active aid to a State which is the victim of attack, invasion, or an act of war by one of the High Contracting Parties, contrary to the Treaty for the Renunciation of War signed at Paris on August 27, 1928."

(Hudson: International Legislation,
vol. VII, pp. 823-824)

Declaration of American Principles, Lima, 24 December 1938

.....

"3. The use of force as an instrument of national or international policy is proscribed."

.....

(The International Conferences of American States,
First Suppl., 1933-1940, Washington; 1940, p. 309)

Atlantic Charter, 14 August 1941

.....

Eight, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practical measures which will lighten for peace-loving peoples the crushing burden of armaments."

(A Decade of American Foreign Policy, Basic
documents, 1941-49, Washington 1950, p. 2)

Convention on International Civil Aviation, Chicago, 7 December 1944

.....

"Article 2, Territory

For the purpose of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State."

(UNTS, vol. 15, p. 298).

Inter-American Conference on War and Peace, (Act of Chapultepec); 3 March 1945

....

"5. The American States have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

- (A) The proscription of territorial conquest and the nonrecognition of all acquisitions made by force. (First international conference of American States, 1890.)

.....

- (C) The recognition that every war or threat of war affects directly or indirectly all civilized peoples, and endangers the great principles of liberty and justice which constitute the American ideal and the standard of its international policy. (Inter-American Conference for the Maintenance of Peace, 1936.)"

(AJIL, Vol. 39, 1945, Suppl., pp. 108-109)

Pact of the League of Arab States, Cairo, 22 March 1945

Article 5: "Recourse to force for the settlement of disputes arising between two or more member states of the League is prohibited....."

(United Nations Treaty Series, Vol. 70, p. 254. See also AJIL, Vol. 39, 1945, Suppl., pp. 267-68)

"Agreement by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics for the Prosecution and Punishment of the Major War Criminals of the European Axis" ... , London, 8 August 1945

Article 1: "There shall be established after consultation with the Control Council for Germany an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location whether they be accused individually or in their capacity as members of organizations or groups or in both capacities."

Article 2: "The constitution, jurisdiction and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement, which Charter shall form an integral part of this Agreement."

(Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 1947, Vol. I, p. 8)

Charter of the International Military Tribunal

I. Constitution of the International Military Tribunal

Article 1: "In pursuance of the Agreement signed on the 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called 'the Tribunal') for the just and prompt trial and punishment of the major war criminals of the European Axis."...

II. Jurisdiction and General Principles

Article 6: "The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- (a) Crimes against peace: namely planning preparation initiation or waging of war of aggression, or war in violation of international treaties, agreements or assurances, or participation in Common Plan or Conspiracy for the accomplishment of any of the foregoing;"....

"Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a Common Plan or Conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any person in execution of such plan."

Article 7: "The official position of defendants, whether as Heads of State or responsible officials in Government departments, shall not be considered as freeing them from responsibility or mitigating punishment."

Article 8: "The fact that the defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility but may be considered in mitigation of punishment if the Tribunal determine that justice so requires."

(Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 1947, Vol. I, pp. 10-12)

(See also United Nations doc.A/CN.4/5 of 3 March 1949: The Charter and the Judgment of the Nuremberg Tribunal, History and Analysis, Memorandum submitted by the Secretary-General)

Charter
of the International Military Tribunal for the Far East, 19 January 1946

.....

SECTION II

JURISDICTION AND GENERAL PROVISIONS

Article 5. Jurisdiction over Persons and Offences. The Tribunal shall have the power to try and punish Far Eastern war criminals who as individuals or as members of organizations are charged with offences which include Crimes against Peace. The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) Crimes against Peace: Namely, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of international law, treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) Conventional War Crimes;

(c) Crimes against Humanity;

Article 6. Responsibility of accused. Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to order of his Government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires."

(Judgement, International Military Tribunal for the
Far East, Annex No. A-5, pp. 19, 21, 22.)

Inter-American Treaty of Reciprocal Assistance, Rio de Janeiro, 2 September 1947

Article 1: "The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty."

Article 9: "In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

(a) unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

- (b) invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

(Annals of the Organization of American States,
Vol. I, No.1, 1949, pp. 87-88)

Charter of the Organization of American States, Bogotá, 30 April 1948

Article 5, para (e):

"The American States condemn war of aggression; victory does not give rights."

Article 15: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements."

Article 17: "The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of any other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."

Article 18: "The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defence in accordance with existing treaties or in fulfillment thereof."

(Annals of the Organization of American States,
Vol. I, No.1, 1949, pp. 76, 78)

American Treaty on Pacific Settlement, ("Pact of Bogotá"), 30 April 1948

Article I. "The High Contracting Parties, solemnly reaffirming their commitments made in earlier international conventions and declarations, as well as in the Charter of the United Nations, agree to refrain from the threat or the use of force, or from any other means of coercion for the settlement of their controversies, and to have recourse at all times to pacific procedures."

(Ibid., p. 91)

North Atlantic Treaty, Washington, 4 April 1949

Article 1: "The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

(UNTS; Vol. 34, p. 244)

Note by the Secretariat: Identical text is contained in Article 1 of the Southeast Asia Collective Defence Treaty of 1954.

Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between Tibet Region of China and India, Peking, 29 April 1954

"The Government of the Republic of India and the Central People's Government of the People's Republic of China,

Have resolved to enter into the present Agreement based on the following principles:

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful coexistence,"

(UNTS, Vol. 209, p. 70)

Note by the Secretariat: Declarations on the above principles of peaceful coexistence were made also by Afghanistan, Albania, Belgium, Bulgaria, Burma, Cambodia, Czechoslovakia, Democratic Republic of Germany, Denmark, Finland, Democratic Republic of Viet-Nam, Hungary, Laos, Liberia, Poland, Romania, Saudi Arabia, Sweden, Syria, USSR, Yugoslavia, etc.

Bandung Conference - Declaration on World Peace and Co-operation, 24 April 1955

"... nations should practice tolerance, live together in peace with one another as good neighbours, and develop friendly co-operation on the basis of the following principles:

.....

- (2) Respect for the sovereignty and territorial integrity of all nations.

.....

- (7) Refraining from acts or threats of aggression or the use of force against the territorial integrity or political independence of any country...."

(Keesing's Contemporary Archives, 7-14 May, 1955,
p. 14184)

Treaty of Friendship, Co-operation and Mutual Assistance, (Warsaw Treaty),
Warsaw, 14 May 1955

Article 1: "The Contracting Parties undertake, in accordance with the Charter of the United Nations, to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered."

Article 2: "The Contracting Parties declare that they are prepared to participate in a spirit of sincere co-operation, in all international action for ensuring international peace and security and will devote their full efforts to the realization of these aims"....."

(UNIS, Vol. 219, p. 24)

Declaration of the Heads of State or Government of non-aligned countries
(Belgrade Declaration), 6 October 1961

"II ... any attempt at imposing upon peoples one social or political system or another by force and from outside is a direct threat to world peace. ...

"II/2. The participating countries respecting scrupulously the territorial integrity of all states oppose by all means any aims of annexation by other nations."

(Journal of the Belgrade Conference, No.5,
5 September 1962, p. 20-21)

Organization of African Unity, Addis Ababa, 26 May 1963

B. Purposes

Article II: The organization shall have the following purposes:

.....

3. To defend their sovereignty, territorial integrity and independence.

.....

C. Principles

Article III: The member states, in pursuit of the purposes stated in Article I, solemnly affirm and declare their adherence to the following principles:

.....

3. Respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence.

.....

(International Legal Materials - The American Society of International Law - Vol.II, No. 4, July 1963, pp. 767-68; see also Congressional Record - House, 29 May 1963, p. 9299)

Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, Moscow, 5 August 1963

"The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the 'Original Parties',

"Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

"Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

"Have agreed as follows:

/...

ARTICLE I

"1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connexion that the provisions of this sub-paragraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

"2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article."

(International Legal Materials /The American Society of International Law/, Vol. II, No. 5, p. 889)

2. Decisions of international tribunals

Threat or use of force

Corfu Channel (Merits). I.C.J. Reports 1949, pp. 30-31, 35 (Hambro, E.: The Case Law of International Court, I., Leyden, 1952, pp. 89, 95).

Venezuelan Preferential Claims, Perm. Court of Arbitr., 1904, No. II (Green: International Law through Cases. New York, 1953, pp. 342-365; J.B. Scott: Hague Court Reports, 56).

The Haulilaa Incident (Germany-Portugal), Special Arbitral Tribunal, 1928 2 R.I.A.A., p. 1011 (Green op. cit., pp. 627-632; Fenwick: Cases on International Law, 1951, pp. 728-729; Bishop: International Law, 1962, pp. 747-748).

Preferential Claims Case, Germany et Al. and Venezuela, Tribunal of the Permanent Court of Arbitr., 1904; Scott: Hague Court Reports, 56; Fenwick: Cases op. cit., pp. 732-35).

The Alabama Claims. United States-Great Britain Claims Arbitration, 1872 (Orfield-Re: Cases on International Law, 1955, pp. 644-648).

Independence

Case of the S.S. Lotus. P.C.I.J., Series A, No. 10, pp. 18, 23 (Hambro op. cit., I, pp. 89, 95; Bishop op. cit., pp. 443-457).

Lighthouses in Crete and Samos. P.C.I.J., Series A/B, No. 7, pp. 104-105 (Hambro op. cit., I, p. 87).

Austro-German Customs Règime, P.C.I.J., Series A/B, No. 4, pp. 45, 49 (Hambro op. cit., I, pp. 253, 255; Briggs: The Law of Nations, 1952, pp. 72-74).

Case concerning rights of nationals of the United States of America in Morocco. I.C.J. Reports 1952, pp. 133-134 (Hambro, E.: The Case Law of International Court, II, Leyden 1960, p. 9).

Territory

Case of the S.S. Lotus [see Independence].

Corfu Channel [see Threat or use of force].

Asylum Case. I.C.J. Reports 1950, pp. 274-275 (Hambro, op. cit., I, p. 269).

The Island of Palmas Case, Perm. Court of Arbitr., 1928, No. XIX (Green op. cit., pp. 349-365; Bishop op. cit., pp. 345-351; Briggs op. cit., pp. 239-247).

Territory (continued)

The Minquiers and Ecrehous Case. I.C.J. Reports 1953, pp. 52, 53, 57-60, 63-71 (Hambro op. cit., II, pp. 83-89; Green op. cit., pp. 8 ff.).

Guatemala-Honduras Boundary, Special Boundary Tribunal, 1933 (Green op. cit., pp. 365-370).

Legal Status of Eastern Greenland, P.C.I.J., 1933, Series A/B, No.53 (Green op. cit., pp. 127 ff.).

Clipperton Island Arbitration (France-Mexico), 1931, (26 AJIL, 1932; Briggs op. cit., pp. 247-250; Orfield-Re op. cit., pp. 230-232).

The Chamizal Arbitration. United States-Mexico, International Boundary Commission, 1910 (5 AJIL, 1911; Orfield-Re op. cit., pp. 249-252).

United Kingdom v. Norway; Norwegian Fisheries Case; I.C.J. 1951, (46 AJIL, 1952; Orfield-Re op. cit., pp. 257; 271).

3. United Nations resolutions and practice

(a) Resolutions

95 (I). Affirmation of the Principles of International Law
recognized by the Charter of the Nürnberg Tribunal

"The General Assembly

Affirms the principles of international law recognized by the Charter of the Nürnberg Tribunal and the judgement of the Tribunal;

Directs the Committee on the Codification of International Law established by the resolution of the General Assembly of 11 December 1946, to treat as a matter of primary importance plans for the formulation, in the context of a general codification of offences against the peace and security of mankind, or of an International Criminal Code, or of the principles recognized in the Charter of the Nürnberg Tribunal and in the judgement of the Tribunal.

Fifty-fifth plenary meeting, 11 December 1946"

(Resolutions adopted by the General Assembly
during the second part of its first session
from 23 October to 15 December 1946, p. 188)

Note by the Secretariat: See also United Nations document A/CN.4/5
of 3 March 1949: The Charter and the Judgement of the Nürnberg Tribunal,
History and Analysis, Memorandum submitted by the Secretary-General.

110 (II). Measures to be taken against propaganda
and the inciters of a new war

"The General Assembly,

1. Condemns all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression;

2. Requests the Government of each Member to take appropriate steps within its constitutional limits:

(a) To promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the Purposes and Principles of the Charter;

(b) To encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace;" ...

(Official Records of the Second Session of the
General Assembly, Resolutions, 16 September -
29 November 1947, p. 14)

/...

193 (III). Threats to the political independence
and territorial integrity of Greece

"The General Assembly

3. Having noted further the conclusions of the Special Committee that a continuation of this situation 'constitutes a threat to the political independence and territorial integrity of Greece and to peace in the Balkans' and 'that the conduct of Albania, Bulgaria and Yugoslavia had been inconsistent with the purposes and principles of the Charter of the United Nations',"

(Official Records of the Third Session of the
General Assembly, Part I, Resolutions, p. 19)

277 (III). Freedom of Information

....

"Annex

Draft Convention of the International Transmission of News and the Rights of
Correction

Preamble

The Contracting States,

Desiring to improve understanding between their peoples through the free
flow of information and opinion,

Desiring thereby to protect mankind from the scourge of war, to prevent the
recurrence of aggression from any source, and to combat all propaganda which is
either designed or likely to provoke or encourage any threat to the peace, breach
of peace, or act of aggression,

Considering the danger to the maintenance of friendly relations between
peoples and to the preservation of peace, arising from the publication of
inaccurate reports,

Considering that at its second regular session the General Assembly of the
United Nations recommended the adoption of measures designed to combat the
dissemination of false or distorted reports likely to injure friendly relations
between States,

....

Have agreed as follows: (see full text of the Articles I to XXIII incl.)"

(Official Records of the Third Session of the
General Assembly, Part II, Resolutions, pp. 22,
23, 24, 25-30)

29C (IV). Essentials of peace

"The General Assembly,

1. Declares that the Charter of the United Nations, the most solemn pact of peace in history, lays down basic principles necessary for an enduring peace; that disregard of these principles is primarily responsible for the continuance of international tension; and that it is urgently necessary for all Members to act in accordance with these principles in the spirit of co-operation on which the United Nations was founded;

Calls upon every nation:

2. To refrain from threatening or using force contrary to the Charter;

3. To refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State;

4. To carry out in good faith its international agreements;

5. To afford all United Nations bodies full co-operation and free access in the performance of the tasks assigned to them under the Charter;

....

Calls upon every nation:

11. To settle international disputes by peaceful means and to co-operate in supporting United Nations efforts to resolve outstanding problems;"

(Official Records of the Fourth Session of the
General Assembly, Resolutions, p. 13)

291 (IV). Promotion of the stability of international
relations in the Far East

"The General Assembly

Whereas the Charter calls upon all Members to refrain in their 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,"

(Official Records of the Fourth Session of the
General Assembly, Resolutions, p. 13)

/...

377 (V). Uniting for peace

A

"The General Assembly, ...

Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions, ...

Finding that international tension exist on a dangerous scale,

Recalling its resolution 290 (IV) entitled 'Essentials of peace', which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to

be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. Adopts for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B

3. Establishes a Peace Observation Commission which, for the calendar year 1951 and 1952, shall be composed of fourteen Members, namely, China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made on the affirmative vote of two-third of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. Decides that the Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions;

5. Recommends to all governments and authorities that they co-operate with the Commission and assist it in the performance of its functions;

6. Requests the Secretary-General to provide the Secretary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in General Assembly resolution 297 B (IV).

C

7. Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or of the General Assembly for the restoration of international peace and security;

8. Recommends to the States Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or the General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. Invites the Members of the United Nations to inform the Collective Measures Committee provided for in paragraph 11 as soon as possible of the measures taken in implementation of the preceding paragraph;

10. Requests the Secretary-General to appoint with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available, on request, to Member States wishing to obtain technical advice regarding the organization, training and equipment for prompt service as United Nations units of the elements, referred to in paragraph 8.

D

11. Establishes a Collective Measures Committee consisting of fourteen Members, namely: Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Yugoslavia, and directs the Committee, in consultation with the Secretary-General and with such Member States as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those in section C of the present resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter);

12. Recommends to all Member States that they co-operate with the Committee and assist it in the performance of its functions;

13. Requests the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in sections C and D of the present resolution.

E

14. Is fully conscious that, in adopting the proposals set forth above, enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a

Note by the Secretariat. Reports of the Collective Measures Committee see in General Assembly (ff. Records, Sixth and Seventh Sessions, Suppl. 13 and 17 respectively (docs. A/1591, A/2215).

genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly;

15. Urges Member States to respect fully, and to intensify, joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of under-developed countries and areas...

B

"For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular, with Chapters V, VI and VII of the Charter,

The General Assembly,

Recommends to the Security Council:

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;

That it should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee;

The above dispositions should in no manner prevent the General Assembly from fulfilling its functions under resolution 377 A (V).

C

The General Assembly

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security.

Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which are likely to threaten world peace.

Recalling General Assembly resolution 190 (III) entitled "Appeal to the Great Powers to renew their efforts to compose their differences and establish a lasting peace",

Recommends to the permanent members of the Security Council that:

(a) They meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter;

(b) They advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations."

(General Assembly Official Records: Fifth Session,
Suppl. No.20 (A/1775), pp. 10-12)

380 (V). Peace through deeds

"The General Assembly

Confident that, if all governments faithfully reflect this desire and observe their obligations under the Charter, lasting peace and security can be established,

Condemning the intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force,

1. Solemnly reaffirms that, whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world;

2. Determines that for the realization of lasting peace and security it is indispensable:

(1) That prompt united action be taken to meet aggression wherever it arises;

/...

(2) That every nation agree:

(a) To accept effective international control of atomic energy, under the United Nations, on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons;

(b) To strive for the control and elimination under the United Nations, of all other weapons of mass destruction;

(c) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction;

(d) To reduce to a minimum the diversion for armaments of its human and economic resources and to strive towards the development of such resources for the general welfare, with due regard to the needs of the under-developed areas of the world;

3. Declares that these goals can be attained if all the members of the United Nations demonstrate by their deeds their will to achieve peace."

(General Assembly Official Records: Fifth Session,
Suppl. No.20 (A/1775), pp. 13-14)

381 (V). Condemnation of propaganda against peace

"The General Assembly,

1. Reaffirms its resolutions 110 (II) and 290 (IV), paragraph 8, which condemn all propaganda against peace and recommend the free exchange of information and ideas as one of the foundations of good-neighbourly relations between the peoples;

2. Declares that such propaganda includes:

(1) Incitement to conflicts or acts of aggression;

(2) Measures tending to isolate the peoples from any contact with the outside world, by preventing the Press, radio and other media of communication from reporting international events, and thus hindering mutual comprehension and understanding between peoples;

(3) Measures tending to silence or distort the activities of the United Nations in favour of peace or to prevent their peoples from knowing the views of other States Members."

(General Assembly Official Records: Fifth Session,
Suppl. No.20 (A/1775), p. 14)

382 B (V). Threats to the political independence
and territorial integrity of Greece

"The General Assembly

"Having considered the report of the United Nations Special Committee on the Balkans and having noted that, although a certain improvement has taken place in the situation on the northern frontiers of Greece, there nevertheless remains a threat to the political independence and territorial integrity of Greece,"

(General Assembly Official Records: Fifth Session,
Suppl. No.20 (A/1775, p. 14)

383 B (V). Threats to the political independence and
territorial integrity of China and to the
peace of the Far East, resulting from
Soviet violations of the Sino-Soviet Treaty
of Friendship and Alliance of 14 August 1945
and from Soviet violations of the Charter of
the United Nations

"The General Assembly

"Decides to draw the attention of all States to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291 (IV), the object of which is to promote the stability of international relations in the Far East, and which recommends specific principles for that purpose, including, inter alia, the principle of the scrupulous observance of the treaties in force when the resolution was adopted, the purpose of which was to secure the independence and territorial integrity of China."

(General Assembly Official Records: Fifth Session
Suppl. No.20 (A/1775), p. 15)

503 (VI). Methods which might be used to maintain and strengthen
international peace and security in accordance with the
Purposes and Principles of the Charter

A

"The General Assembly,

Reaffirming that it is one of the foremost Purposes of the United Nations 'to take effective collective measures for the prevention and removal of threats to the peace and for the suppression/of acts of aggression or other breaches of the peace',

Recognizing that the establishment of an effective collective security system is in harmony with other United Nations Purposes and Principles as embodied in the Charter, in particular those relating to the pacific settlement of disputes, which must be fulfilled if an enduring peace is to be secured.

Reaffirming its desire, as expressed in its resolution 377 A (V) entitled 'Uniting for peace', to ensure that the United Nations has at its disposal means for maintaining international peace and security pending the conclusion of agreements provided for in Article 43 of the Charter,

Recognizing that the ability and readiness of States to contribute armed forces and other assistance and facilities in support of United Nations collective action are essential to an effective security system,

Having received the report^{1/} of the Collective Measures Committee rendered in accordance with paragraph 11 of resolution 377 A (V),

Noting the responses^{2/} from Member States to its recommendation contained in that resolution that they maintain elements within their national armed forces which could be made available for United Nations service,

Convinced, moreover, that additional action should be taken by States and further study undertaken by the United Nations for the establishment of an effective system of collective security under the authority of the United Nations,

Recognizing that regional and collective self-defence arrangements concluded in accordance with the terms of the Charter can and should constitute an important contribution to the universal collective security system of the United Nations,

Recognizing that the United Nations collective action, to be most effective, should be as nearly universal as possible and that in the event of needs States not members of the United Nations should unite their strength with that of the United Nations to maintain international peace and security in accordance with the Purposes and Principles of the Charter.

1. Takes note of the report of the Collective Measures Committee and of its conclusions and expresses its appreciation of the Committee's constructive work in the study of collective security;

2. Recommends to Member States that, in accordance with paragraph 8 of the resolution 377 A (V), each take such further action as is necessary to maintain within its national armed forces elements so trained, organized and

1/ See Official Records of the General Assembly, Sixth Session, Supplement 13.

2/ Ibid.

equipped that they could promptly be made available, in accordance with its constitutional processes and to the extent to which in its judgement its capacity permits it to do so, for service as a United Nations unit or units without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter and without prejudice likewise to internal security;

3. Recommends to Member States that they take such steps as are necessary to enable them, in accordance with their constitutional processes and to the extent to which in their judgement their capacity permits them to do so, to provide assistance and facilities to United Nations armed forces engaged in collective military measures undertaken by the Security Council or by the General Assembly;

4. Recommends to Member States that they determine, in the light of their existing legislation, the appropriate steps for carrying out promptly and effectively United Nations collective measures in accordance with their constitutional processes;

5. Recommends to Member States that they continue the survey of their resources provided for in paragraph 7 of resolution 377 A (V);

6. Recommends to Members of the United Nations which belong to other international bodies, or which are parties to international arrangements concluded in accordance with the Charter, that, in addition to their individual participation in collective security system of the United Nations, they seek to obtain, when appropriate, in and through such bodies and arrangements within the constitutional limitations and the other provisions of those bodies and arrangements, all possible support for collective measures undertaken by the United Nations;

7. Invites States not members of the United Nations to take note of the report of the Collective Measures Committee and consider ways and means, in the economic as well as in other fields, whereby they could contribute most effectively to collective measures undertaken by the United Nations in accordance with the Purposes and Principles of the Charter;

8. Requests the Secretary-General to appoint as soon as possible the members of the panel of military experts provided for in paragraph 10 of resolution 377 A (V), to the end that they can be made available on request to States wishing to obtain technical advice regarding the training, organization and equipment of the United Nations units referred to in paragraph 2 above;

9. Directs the Collective Measures Committee, in consultation with the Secretary-General and with such States as the Committee finds appropriate, to continue for another year its studies on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of both regional and collective self-defence arrangements, and to report thereon to the Security Council and to the General Assembly before the seventh session of the General Assembly;

10. Recognizes that nothing in the present resolution shall be construed to permit any measures to be taken in any State without the free and express consent of that State."

B

"The General Assembly,

Considering that a basic task of the United Nations is to secure and strengthen international peace and security, and bearing in mind that under the Charter the main responsibility for the maintenance of international peace and security has been conferred on the Security Council,

Recommends that the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension at present existing in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve to remove such tension and establish such friendly relations in furtherance of the Purposes and Principles of the Charter."

(General Assembly Official Records: Sixth Session
Supplement No.20 (A/2119), pp. 2-3)

819 (IX). Strengthening of the peace through the removal of
barriers to free exchange of information and ideas

"The General Assembly

Recalling its resolutions 110 (II) of 3 November 1947 and 381 (V) of 17 November 1950 concerning the condemnation of propaganda against peace, and resolution 290 (IV) of 1 December 1949 on the essentials of peace which calls upon Member States to act in accordance with the principles set forth in the Charter of the United Nations and, in particular, calls upon every nation to remove the barriers which deny to peoples the free exchange of information and ideas essential to international understanding and peace,

Recognizing that the maintenance of such barriers constitutes a major obstacle to the strengthening of peace and genuine international co-operation and fosters the continuation of false and hostile propaganda against other States and peoples,

1. Calls upon all Governments to give effect faithfully to resolution 290 (IV) of 1 December 1949 on essentials of peace as a guide to the achievement of a genuine peace with freedom and justice;

/...

2. Reaffirms resolutions 381 (V) of 17 November 1950 and 110 (II) of 3 November 1947 condemning all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression."

(General Assembly, Official Records, Ninth Session, Supplement No. 21 (A/2890), p. 9)

1127 (XI). Situation in Hungary

"The General Assembly ...

"Recalling the principles of the Charter of the United Nations, in particular the principle embodied in Article 2, paragraph 4, ..."

(General Assembly Official Records, Eleventh Session, Suppl. No. 17, (A/3572), p. 63)

1181 (XII). Question of defining aggression

"The General Assembly,

Recalling its resolutions 599 (VI) of 31 January 1952, 688 (VII) of 20 December 1952 and 895 (IX) of 4 December 1954, all referring to a definition of aggression,

Considering that, in spite of the progress made in the study of the question, the discussion at the present session shows the need for the elucidation of other aspects of a definition of aggression,

Considering that the report presented by the 1956 Special Committee on the Question of Defining Aggression 1/ is an important study based on the views expressed by States Members of the United Nations up to the date of the preparation of the report,

Considering that twenty-two additional States have recently joined the Organization and that it would be useful to know their views on the matter,

Resolves:

1. To take note of the report of the 1956 Special Committee on the Question of Defining Aggression and to express appreciation for the valuable work done;

2. To ask the Secretary-General to request the views of the new Member States on the question, and to renew the request to Member States to submit comments as provided in General Assembly resolution 688 (VII) of 20 December 1952, furnishing them with the documentation produced after the adoption of that resolution;

1/ Official Records of the General Assembly, Twelfth Session, Supplement No. 16 (A/3574).

3. To ask the Secretary-General to refer the replies of Member States to a committee composed of the Member States whose representatives have served on the General Committee at the most recent regular session of the General Assembly, which committee shall study the replies for the purpose of determining when it shall be appropriate for the General Assembly to consider again the question of defining aggression, and shall report to the Secretary-General when it has determined that the time is appropriate, setting forth the considerations which led to its decision;

4. To request the Secretary-General to place the question of defining aggression on the provisional agenda of the General Assembly, not earlier than at its fourteenth session, when the committee has advised him that it considers the time appropriate,

5. To request the Secretary-General to convene the first meeting of the committee prior to the fourteenth session of the General Assembly."

(General Assembly Official Records, Twelfth Session,
Suppl. No. 18 (A/3805) p. 51)

Note by the Secretariat:

On the question of defining aggression see also the following documents:

General Assembly resolutions 378 B (V), 380 (V), 599 (VI), 895 (IX);

A/1858, 2087, 2115, 2162, 2211, 2322, 2361, 2404, 2638, 2663, 2689, 2806, 2911, 2890, 3137, 3574, 3594, 3756, 3805, 3844, 4132, 5201

A/L.136, 237, Add.1

A/FV/85, 368, 396, 408, 478, 483, 486, 504, 680-81, 724

DC/SC.1/FV.18

A/AC.10/21, Corr.1, 34, 38, Corr.1, 46

A/AC.10/SR.13, 19, 21

A/AC.66/1

A/AC.66/L.2, 4, 7-9, 11

A/AC.66/SR.1-22

A/AC.77/1.4, Rev.1, 6, 7, 8, Rev.1, 9-11, 13

A/AC.77/SR.2-18

A/C.1/608, Rev.1, 610, 619

/...

A/C.6/L.206, 208-17, 264-76, 332, 334-37, 399, 401-404, 406-407, 409

A/C.6/SR.41, 278-95, 329-46, 403-20, 424, 433-34, 514-38

A/CN.4 (III, 1951), (VI, 1954) A/CN.4/44, 48; A/CN.4/L.6, Corr.1, 7-10;
A/CN.4/SR.92-96, 108-109, 127-29, 133.

1186 (XII). Draft Code of Offences against the
Peace and Security of Mankind

"The General Assembly,

Considering that the draft Code of Offences against the Peace and Security of Mankind, as formulated in chapter III of the report of the International Law Commission on the work of its sixth session, 3/ raises problems related to that of the definition of aggression,

Recalling General Assembly resolution 897 (IX) of 4 December 1954,

Considering General Assembly resolution 1181 (XII) of 29 November 1957 concerning the definition of aggression,

1. Decides to defer consideration of the question of the draft Code of Offences against the Peace and Security of Mankind until such time as the General Assembly takes up again the question of defining aggression;

2. Requests the Secretary-General to transmit the text of the draft Code to Member States for comment, and to submit their replies to the General Assembly at such time as the item may be placed on its provisional agenda."

(General Assembly Official Records, Twelfth Session,
Suppl. No. 18 (A/3805), p. 51-52)

1187 (XII). International criminal jurisdiction

"The General Assembly,

Considering its resolution 898 (IX) of 14 December 1954,

Considering its resolution 1181 (XII) of 29 November 1957 concerning the definition of aggression,

Decides to defer consideration of the question of an international criminal jurisdiction until such time as the General Assembly takes up again the question of defining aggression and the question of a draft Code of Offences against the Peace and Security of Mankind."

(General Assembly Official Records, Twelfth Session,
Suppl. No. 18 (A/3805), p. 52)

Note by the Secretariat: On the question of international criminal jurisdiction see also the following documents:

United Nations Secretariat, Historical Study of the Question of International Criminal Jurisdiction, Doc. A/CN.4/7/Rev.1

Proposal to establish an international criminal court, Doc. A/AC.10/21

Decision of the Committee on the Progressive Development of International Law and its Development, Doc. A/322

General Assembly resolutions: 260 A (III), 489 (V), 687 (VII), 895 (IX), 897 (IX), 1181 (XII)

General Assembly, Official Records

III.1, resolutions (A/810)

V, Suppl. 12, Suppl. 20 (A/1775)

VII, Suppl. 11 (A/2136) (draft statute for an international criminal court, prepared by the Committee for International Criminal Jurisdiction)

VII, Annexes (A/2186 and Add.1) (comments by Governments)

A/2275 (Report of the Sixth Committee)

VII, Suppl. 20 (A/2361)

IX, Annexes (A/2827)

IX, Suppl. 21 (A/2890), Suppl. 12 (A/2645) - Report of the Committee on International Criminal Jurisdiction

A/CN.4/20, 15,

A/AC.65/1 (revised draft)

A/C.6/SR.97-99

1237 (ES-III) Questions considered by the Security Council
at its 838th meeting on 7 August 1958

"The General Assembly ...

"Noting that the Arab States have agreed, in the Pact of the League of Arab States, to strengthen the close relations and numerous ties which link the Arab States, and to support and stabilize these ties upon a basis of respect for the independence and sovereignty of these States, ...

"2. Calls upon all States Members of the United Nations to act strictly in accordance with the principles of mutual respect for each other's territorial integrity and sovereignty, of non-aggression, of strict non-interference in each other's internal affairs, and of equal and mutual benefit, and to ensure that their conduct by word and deed conforms to these principles;"

(General Assembly Official Records, Third Emergency
Special Session, Suppl. No. 1 (A/3905), p. 1)

/...

1378 (XIV). General and complete disarmament

"The General Assembly ...

Desiring to promote the creation of relations of trust and peaceful co-operation between States, ...

Being convinced that any progress towards the goal of general and complete disarmament under effective international control will contribute to the achievement of these high aims,

Considering that the question of general and complete disarmament is the most important one facing the world today,

1. Calls upon Governments to make every effort to achieve a constructive solution of this problem;

2. Transmits to the United Nations Disarmament Commission and requests the Secretary-General to make available to the ten-nation disarmament committee for thorough consideration the declaration of the United Kingdom of Great Britain and Northern Ireland of 17 September 1959 1/ and the declaration of the Union of Soviet Socialist Republics of 18 September 1959, 2/ and the other proposals and suggestions made, as well as the records of the plenary meetings 3/ and the meetings of the First Committee 4/ at which the question of general and complete disarmament was discussed;

3. Expresses the hope that measures leading towards the goal of general and complete disarmament under effective international control will be worked out in detail and agreed upon in the shortest possible time."

(General Assembly, Official Records, Fourteenth Session, Supplement No. 16 (A/4354), p. 3)

Joint statement of the USSR and the USA of agreed principles for
disarmament negotiations, 20 September 1961

"... Noting with concern that the continuing arms race is a heavy burden for humanity and is fraught with dangers for the cause of world peace,

1/ Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 70, document A/C.1/820.

2/ Ibid., document A/4219.

3/ Ibid., Fourteenth Session, Plenary Meetings, 799th and 840th meetings.

4/ Ibid., Fourteenth Session, First Committee, 1026th to 1042nd meetings.

Reaffirming their adherence to all the provisions of General Assembly resolution 1378 (XIV) of 20 November 1959.

Affirming that to facilitate the attainment of general and complete disarmament in a peaceful world it is important that all States abide by existing international agreements, refrain from any actions which aggravate international tensions, and seek settlement of all disputes by peaceful means,

The United States and the USSR have agreed to recommend the following principles as the basis for future multilateral negotiations on disarmament and to call upon other States to co-operate in reaching early agreement on general and complete disarmament in a peaceful world in accordance with these principles:

1. The goal of negotiations is to achieve agreement on programme which will ensure:

(a) That disarmament is general and complete and war is no longer an instrument for settling international problems, and

(b) That such disarmament is accompanied by the establishment of reliable procedure for the peaceful settlement of disputes and effective arrangements for the maintenance of peace in accordance with the principles of the Charter of the United Nations.

2. The programme for general and complete disarmament shall ensure that States will have at their disposal only such non-nuclear armaments, forces, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens; and that States shall support and provide agreed manpower for a United Nations peace force ...

.....

6. All disarmament measures should be implemented from beginning to end under such strict and effective international control as would provide firm assurance that all parties are honouring their obligations. During and after the implementation of general and complete disarmament, the most thorough control should be exercised, the nature and extent of such control depending on the requirements for verification of the disarmament measures being carried out in each stage. To implement control over and inspection of disarmament, an international disarmament organization including all parties to the agreement should be created within the framework of the United Nations. This international disarmament organization and its inspectors should be assured unrestricted access without veto to all places, as necessary for the purpose of effective verification.

7. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the

principles of the United Nations Charter, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.

8. States participating in the negotiations should seek to achieve and implement the widest possible agreement at the earliest possible date. Efforts should continue without interruption until agreement upon the total programme has been achieved, and efforts to ensure early agreement on and implementation of measures of disarmament should be undertaken without prejudicing progress on agreement on the total programme and in such a way that these measures would facilitate and form part of that programme."

(Official Records of the General Assembly, Annexes,
Fourteenth Session, document A/4879, p. 2)

1474 (ES-IV). Question considered by the Security Council at its
906th meeting on 16 September 1960

"The General Assembly,

.....

"Considering that, with a view to preserving the unity, territorial integrity and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international peace, it is essential for the United Nations to continue to assist the Central Government of the Congo,

.....

"2. Requests the Secretary-General to continue to take vigorous action in accordance with the terms of the aforesaid resolutions and to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory of the Republic of the Congo and to safeguard its unity, territorial integrity and political independence in the interests of international peace and security;

.....

"5. Requests:

(a) All States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of the Republic of the Congo of its authority and also to refrain from any action which might undermine the unity, territorial integrity and the political independence of the Republic of the Congo;"

(General Assembly Official Records, Fourth Emergency
Special Session, Suppl. No. 1 (A/4510), p. 1)

/...

1495 (XV). Co-operation of Member States

"The General Assembly,

.....

1. Urges that all countries, in accordance with the Charter of the United Nations, refrain from actions likely to aggravate international tensions;

2. Reaffirms the conviction that the strength of the United Nations rests on the co-operation of its Member States which should be forthcoming in full measure so that the Organization becomes a more effective instrument for the safeguarding of peace and for the promotion of the economic and social advancement of all peoples;

3. Urges further that immediate and constructive steps should be adopted in regard to the urgent problems concerning the peace of the world and the advancement of its peoples;

4. Appeals to all Member States to use their utmost endeavours to these ends."

(General Assembly Official Records, Fifteenth Session,
Suppl. No. 16 (A/4684), p. 66)

1622 (S-III). Consideration of the grave situation in Tunisia
obtaining since 19 July 1961

"The General Assembly,

.....

Convinced that the presence of French armed forces in Tunisian territory against the express will of the Tunisian Government and people constitute a violation of Tunisia's sovereignty, is a permanent source of international friction and endangers international peace and security,

.....

2. Recognizes the sovereign right of Tunisia to call for the withdrawal of all French armed forces on its territory without its consent; ..."

(General Assembly Official Records, Third Special
Session, Suppl. No. 1, (A/4860), p. 2)

1653 (XVI). Declaration on the prohibition of the use of nuclear
and thermo-nuclear weapons

"The General Assembly

.....

Recalling that the use of weapons of mass destruction, causing unnecessary human suffering, was in the past prohibited, as being contrary to the laws of humanity and to the principles of international law, by international declarations and binding agreements, such as the Declaration of St. Petersburg of 1868, the Declaration of the Brussels Conference of 1874, the Conventions of the Hague Peace Conferences of 1899 and 1907, and the Geneva Protocol of 1925, to which the majority of nations are still parties,

Considering that the use of nuclear and thermo-nuclear weapons would bring about indiscriminate suffering and destruction to mankind and civilization to an even greater extent than the use of those weapons declared by the aforementioned international declarations and agreements to be contrary to the laws of humanity and a crime under international law,

.....

1. Declares that:

(a) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;

(b) The use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

(c) The use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such a war will be subjected to all the evils generated by the use of such weapons;

(d) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization; ..."

(General Assembly Official Records, Sixteenth Session,
Supplement No. 17 (A/5100), pp. 4-5)

(b) Practice

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Article 52

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(United Nations, Repertory of Practice of United Nations Organs, Table of Contents and Subject Index to Volumes I-V, New York, 1957; Supplement No. 1, Vol. I, New York 1958.)

Repertoire of the Practice of the Security Council:

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(Repertoire of the Practice of the Security Council, 1946-1951, New York, 1954;
1952-1955, New York, 1957; 1956-1958, New York, 1959.)

4. Decisions and proposals of other bodies

International Juridical Union, 1919

Draft of a Declaration of Rights and Duties of Nations

"Article II. The State is independent. The independence of the State is to be understood in the sense that it may freely develop without interference on the part of any other State, acting on its own authority, in the exercise, either internal or external, of its activity."

(Séances et Travaux de l'Union Juridique Internationale,
1920, Vol. 2)

Inter-American Juridical Committee, 1942

Reaffirmation of Fundamental Principles of International Law

Project of Resolution submitted to the Governments, Members of the Pan American Union

...

"V. The use of force between States is repudiated and outlawed; and no State may take the law into its own hands or seek to enforce its claims by violence.

War as an instrument of national policy is condemned.

Hence no territorial conquest, occupation or transfer of territory brought about by force or by any other methods of effective coercion, shall be valid or be recognized as having any degree of legality whatever.

In like manner no treaties or other agreements entered into under violence or other form of compulsion shall be recognized as binding contracts, whether as between the parties themselves or in relation to third States."

(AJIL, Vol. 27, 1943, pp. 21-24)

...

"Hudson Committee", International Law of the Future, 1944

Postulates, Principles and Proposals

...

"Principle 2: Each State has a legal duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind.

...

/...

Principle 7. Each State has a legal duty to refrain from any use of force and from any threat to use force in its relations with another State, except as authorized by the competent agency of the community of States; but subject to immediate reference to and approval by the competent agency of the community of States, a State may oppose by force an unauthorized use of force made against it by another State.

Principle 8. Each State has a legal duty to take, in co-operation with other States, such measures as may be prescribed by the competent agency of the community of States for preventing or suppressing a use of force by any State in its relation with another State."

(AJIL, Vol. 38, Suppl., 1944, pp. 55-56, 74-76 and 84-88)

Pan American Union, Governing Board, 1946

Draft Declaration of the Rights and Duties of American States

"IX. The territory of a State is inviolable and may not be the object of military occupation or of other measures of force taken by another State directly or indirectly for whatever motive, even temporarily. No territorial acquisitions or special advantages obtained by force or other means of coercion shall be recognized.

X. The use of armed force is repudiated and outlawed."

(Pan American Union, Governing Board, Washington, 1946)

International Military Tribunal

Judgement of Nuremberg, 1947

"On 8 August 1945, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic, and the Government of the Union of Soviet Socialist Republics entered into an Agreement establishing this Tribunal for the Trial of War Criminals whose offences have no particular geographical location. In accordance with Article 5, the following Governments of the United Nations have expressed their adherence to the Agreement:

Greece, Denmark, Yugoslavia, the Netherlands, Czechoslovakia, Poland, Belgium, Ethiopia, Australia, Honduras, Norway, Panama, Luxembourg, Haiti, New Zealand, India, Venezuela, Uruguay, and Paraguay." ...

"This indictment charges the defendants with Crimes against Peace by the planning, preparation, initiation, and waging of wars of aggression, which were also wars in violation of international treaties, agreements and assurances; with War Crimes against Humanity. The defendants are also charged with participating in the formulation or execution of a common plan or conspiracy to commit all these crimes. The Tribunal was further asked by the Prosecution to declare all the named groups or organizations to be criminal within the meaning of the Charter."...

/...

The Charter Provisions

... "These provisions are binding upon the Tribunal as the law to be applied to the case." ...

The Law of the Charter

"The Jurisdiction of the Tribunal is defined in the Agreement and Charter, and the crimes coming within the jurisdiction of the Tribunal, for which there shall be individual responsibility, are set out in Article 6. The law of the Charter is decisive, and binding upon the Tribunal.

The making of the Charter was the exercise of the sovereign legislative power by the countries to which the German Reich unconditionally surrendered; and the undoubted right of these countries to legislate for the occupied territories has been recognized by the civilized world. The Charter is not an arbitrary exercise of power on the part of the victorious Nations, but in the view of the Tribunal, as will be shown, it is the expression of international law existing at the time of its creation; and to that extent is itself a contribution to international law."

... "In the opinion of the Tribunal, the solemn renunciation of war as an instrument of national policy necessarily involves the proposition that such a war is illegal in international law; and that those who plan and wage such a war, with its inevitable and terrible consequences, are committing a crime in so doing. War for the solution of international controversies undertaken as an instrument of national policy certainly includes a war of aggression, and such a war is therefore outlawed by the Pact." ...

"All these expressions of opinion, and others that could be cited, so solemnly made, reinforce the construction which the Tribunal placed upon the Pact of Paris, that resort to a war of aggression is not merely illegal, but criminal. The prohibition of aggressive war demanded by the conscience of the world, finds its expression in the series of pacts and treaties to which the Tribunal has just referred."

The Law as to the Common Plan or Conspiracy

... "Planning and preparation are essential to the making of war. In the opinion of the Tribunal aggressive war is a crime under international law. The Charter defines this offense as planning, preparation, initiation, or waging of a war of aggression 'or participation in a Common Plan or Conspiracy for the accomplishment ... of the foregoing'."

(Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 1947, Vol. I, pp. 171, 173, 174, 218, 220, 222, 224)

/...

International Law Commission:

Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgement of the Tribunal, 1950

Principle I

"Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment."

...

Principle II

"The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law."

...

Principle III

"The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law."

...

Principle IV

"The fact that a person acted pursuant to Order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."

...

Principle V

"Any person charged with a crime under international law has the right to a fair trial on the facts and law."

...

Principle VI

"The crimes hereinafter set out are punishable as crimes under international law:

a. Crimes against peace:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

/...

(ii) Participation in a common plan or conspiracy for accomplishment of any of the acts mentioned under (i)."

...

b. War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity."

...

c. Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime."

...

/...

Principle VII

"Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law."

(Report of the International Law Commission covering its second session, 5 June-29 July 1950, Supplement No. 12 (A/1316), Lake Success, N.Y., pp. 11-14 with commentary to the above Principles. For summary discussion in the Sixth Committee of the General Assembly see doc. A/1639)

International Law Commission: Draft Declaration on Rights and Duties of States, 1949

- Article 7: Every State has the duty to ensure that conditions prevailing in its territory do not menace international peace and order.
- Article 9: Every State has the duty to refrain from resorting to war as an instrument of national policy, and to refrain from the threat or use of force against the territorial integrity or political independence of another State, or in any other manner inconsistent with international law and order.
- Article 10: Every State has the duty to refrain from giving assistance to any State which is acting in violation of Article 9, or against which the United Nations is taking preventive or enforcement action.
- Article 11: Every State has the duty to refrain from recognizing any territorial acquisition by another State acting in violation of article 9."

(Report of the ILC covering its First Session, 1949, doc. A/925)
Annex to General Assembly resolution 375 (IV)

International Law Commission: Draft Code of Offences Against Peace and Security of Mankind, 1951

.....

Text of the Draft Code

.....

/...

"Article 1

Offences against the peace and security of mankind, as defined in this Code, are crimes under international law, for which the responsible individuals shall be punishable."

.....

"Article 2

The following acts are offences against the peace and security of mankind:

(1) Any act of aggression including the employment by the authorities of a State of armed force against another State for any purpose other than national or collective self-defence or in pursuance of a decision or recommendation by a competent organ of the United Nations.

.....

(2) Any threat by the authorities of a State to resort to an act of aggression against another State

.....

(3) The preparation by the authorities of a State for the employment of armed force against another State for any purpose other than national or collective self-defence or in pursuance of a decision or recommendation by a competent organ of the United Nations.

.....

(4) The incursion into the territory of a State from the territory of another State by armed bands acting for a political purpose.

.....

(5) The undertaking or encouragement by the authorities of a State of activities calculated to foment civil strife in another State, or the toleration by the authorities of a State of organized activities calculated to foment civil strife in another State.

.....

(6) The undertaking or encouragement by the authorities of a State of terrorist activities in another State, or the toleration by the authorities of a State of organized activities calculated to carry out terrorist acts in another State.

.....

/...

(7) Acts by the authorities of a State in violation of its obligations under a treaty which is designed to ensure international peace and security by means of restrictions or limitations on armaments, or on military training, or on fortifications, or of other restrictions of the same character.

.....

(8) Acts by the authorities of a State resulting in the annexation, contrary to international law, of territory belonging to another State or of territory under an international regime.

.....

(12) Acts which constitute:

(i) Conspiracy to commit any of the offenses defined in the preceding paragraphs of this article; or

(ii) Direct incitement to commit any of the offenses defined in the preceding paragraphs of this article; or

(iii) Attempts to commit any of the offenses defined in the preceding paragraphs of this article; or

(iv) Complicity in the commission of any of the offenses defined in the preceding paragraphs of this article."

.....

"Article 3

The fact that a person acted as Head of State or as responsible Government official does not relieve him from responsibility for committing any of the offenses defined in this Code."

.....

"Article 4

The fact that a person charged with an offense defined in this Code acted pursuant to order of his Government or of a superior does not relieve him from responsibility, provided a moral choice was in fact possible to him."

(Report of the International Law Commission covering the work of its third session 16 May-27 July 1951; General Assembly, Official Records, sixth session, Supplement No. 9 (A/1858), New York, pp. 10-13 with commentary.
For summary of discussion in the Sixth Committee of the General Assembly see doc. A/2807)

Soviet Branch of the International Law Commission:

Declaration of Principles of Peaceful Coexistence, Draft, Moscow, 1962, presented at the Fiftieth Conference of the International Law Association

"(1) The principle of peaceful coexistence is a fundamental principle of modern international law. No distinction in the social and state structure shall hinder the exercise and development of relations and co-operation between states, since every nation has the right to establish such a social system, and to choose such a form of government as it considers expedient and necessary for the purposes of ensuring the economic and cultural prosperity of its country.

"(2) All states shall practice tolerance and live together in peace with one another as good neighbours, without recourse to the threat or use of force against the territorial integrity or political independence of any nation, and shall settle all their international disputes by peaceful means. All states shall, in accordance with the United Nations Charter, take individual or collective measures to prevent or suppress acts of aggression, and to maintain international peace and security, and shall prevent and suppress propaganda of a new world war, and acts constituting a threat to international peace and security, as well as the fomenting of enmity among nations. All states shall do their utmost to promote the prompt implementation of general and complete disarmament, which is the most effective means to secure international peace."

(Declaration of Principles of Peaceful Coexistence,
Draft, Soviet Association of International Law,
Moscow 1962)

American Branch of the International Law Association:

Proceedings and Committee Reports, 1961-62, presented at the Fiftieth Conference of the International Law Association

.....

"(7) Aid to peoples seeking to improve their economic conditions or to achieve or render secure their political independence shall in no case take the form of military advice or military equipment, much less of direct military action or support to armed bands, by the aiding state, regardless of the apparent justice of the cause, except on recommendation of the Security Council or the General Assembly of the United Nations and on request of the lawfully constituted authorities of the receiving territory.

"(8) There shall be complete disarmament of every state, but only after agreement has been reached on effective control and a permanent international police force has been established by the United Nations. States may retain only those forces

and weapons which are necessary for the maintenance of internal order, but annual reports shall be filed with the United Nations declaring forces, weapons, and production facilities, and the approximate location of forces. The state must submit to verification of information by the United Nations."

(Proceedings and Committee Reports of the American
Branch of the IIA, 1961-62, pp. 72-77)

5. Travaux préparatoires

UNICO documents

Report of Rapporteur of Subcommittee I/1/A to Committee I/1

.....

"Paragraph 4

.....

The Norwegian Government proposed that no force should be used if not approved by the Security Council.

The sense of approval was considered ambiguous, because it might mean approval before or after the use of force. It might thus curtail the right of states to use force in legitimate self-defence, while it was clear to the Subcommittee that the right of self-defence against aggression should not be impaired or diminished.

It was furthermore clear that there will be no legitimate wars in any sense.

It was on these understandings that the Subcommittee voted the text submitted to you.

The New Zealand amendment numbered 4a, page 32 of the English text, reads:

All members of the Organization undertake collectively to resist every act of aggression against any member.

Such a notion is to be found in many other amendments. The New Zealand amendment was rejected by a majority not attaining two thirds.

The main reasons for the bare majority rejecting this amendment were two:

- (1) The keynote for collectivity is found in the opening words of this Chapter. The Organization and its members should act in accordance with these principles.
- (2) The amendment limits itself to the collective resistance of every act of aggression, aggression not being defined."

(The United Nations Conference on International Organization, San Francisco, 1945, Selected documents, Department of State, Washington, pp. 485-486.)

/...

Report of Rapporteur of Committee I/1 to Commission I

.....

"Paragraph 4

The Committee decided to include the Australian amendment so that the paragraph comes before you under a new text.

The Committee wishes to state, in view of the Norwegian amendment to the same paragraph, that the unilateral use of force or similar coercive measures is not authorized or admitted. The use of arms in legitimate self-defence remains admitted and unimpaired. The use of force, therefore, remains legitimate only to back up the decisions of the Organization at the start of a controversy or during its solution in the way that the Organization itself ordains. The intention of the Norwegian amendment is thus covered by the present text.

In connexion with paragraph 4, a motion was considered which the Committee wishes to see mentioned in this report. It was to add after paragraph 4 the following text found under 4a of the New Zealand amendments:

All members of the Organization undertake collectively to resist any act of aggression against any member.

That motion had a majority but not one which attained the two thirds of those present and voting.

The Delegation of Panama made a motion in a similar sense to the New Zealand motion which was dealt with by the Committee with similar results."

(The United Nations Conference on International Organization, San Francisco, 1945, Selected documents, Department of State, Washington, page 498.)

Article 2/4: Subject Analysis

AGGRESSION, PREVENTION OF

Plenary discussion

28 April mtg 4 Uruguay vol.1 p.398

30 April mtg 5 vol.1: Colombia 363; Ecuador 368,370

1 May mtg 6 vol.1: France 437; Guatemala 439; Turkey 454

1 May mtg 7 vol.1: New Zealand 513-4; Panama 560; Venezuela 515

26 June Final mtg Czechoslovakia vol.1 p.673

Committee I/1 discussion

5 June mtg 12 vol.6 p.346: Australia, Iran, Panama, USA

/...

CHANGES OF GOVERNMENT

Comments and amendments on DO Prop vol.3: Honduras 349; Mexico 65

FORCE, THREAT OR USE OF

Comments and amendments on DO Prop vol.3: Brazil 234,247,252-3;

Costa Rica 274, 278; Iran 554; Norway 366

Plenary discussion

25 April Opening mtg USA vol.1 p.113

27 April mtg II Australia vol.1 p.174

Committee I/1 discussion

16 May mtg 7 vol.6 p.304

4 June mtg 11 vol.6: Belgium 334; Brazil 334; France 335;
New Zealand 334; Norway 334; UK 335; USA 335

5 June mtg 12 vol.6 p.342; Australia 346; Belgium 345;
Panama 346

Commission I discussion

15 June mtg 2 vol.6 p.80: Peru 68

INDEPENDENCE OF STATES

Comments and amendments on DO Prop vol.3: Australia 543;

Bolivia 578,582-3; Brazil 233,246; Czechoslovakia 467;

Egypt 454; Ethiopia 558; Honduras 349; Iran 554; Mexico 65,120,179;

New Zealand 486; Norway 361; Uruguay 30,35

Committee I/1 discussion

16 May mtg 7 vol.6 p.304

4 June mtg 11 Norway vol.6 p.344

5 June mtg 12 vol.6 p.342; Belgium 345; Panama 346

11 June mtg 15 Panama vol.6 p.423

Commission I discussion

15 June mtg 2 vol.6 p.69,70,80; Peru 68

Plenary discussion

26 June Final mtg Brazil vol.1 p.671,703

INTERDEPENDENCE OF STATES

Plenary discussion

26 April mtg 3 India vol.1 p.244

28 April mtg 4 Greece vol.1 p.290

1 May mtg 6 Haiti vol.1 p.443

2 May mtg 7 Mexico vol.1 p.551

2 May mtg 8 Yugoslavia vol.1 p.573

NEW STATES

Comments and amendments on DO Prop vol.3: Mexico 65

TERRITORIAL INTEGRITY

Comments and amendments on DO Prop vol.3: Mexico 93,112,118,125,165

Plenary discussion

27 April mtg 2 Australia vol.1 p.173-4

28 April mtg 3 Iran vol.1 p.247

28 April mtg 4 Uruguay vol.1 p.299

1 May mtg 7 vol.1: New Zealand 509; Venezuela 517

Committee I/1 discussion

14 May mtg 5 vol.6 p.292

16 May mtg 7 Peru vol.6 p.304

11 June mtg 15 Panama vol.6 p.423

Commission I discussion

15 June mtg 2 vol.6 p.68,69,70; Peru 66

Plenary discussion

26 June Final mtg Brazil vol.1 p.671,703

UNILATERAL ACTION

Amendment on DO Prop Belgium vol.3 p.342-3

VIOLENCE, OUTLAWING OF

Comment on DO Prop Mexico vol.3 p.73

Plenary discussion

28 April mtg 4 Uruguay vol.1 p.299

1 May mtg 6 vol.1 Turkey 454; Union of South Africa 424

1 May mtg 7 Cuba vol.1 p.498

2 May mtg 8 Peru vol.1 p.565

WAR, PROHIBITION OF

Amendment of DO Prop Brazil vol.3 p.243

Plenary discussion

1 May mtg 6 Union of South Africa 424; vol.1 p.424

1 May mtg 7 vol.1: Cuba 498; New Zealand 514

(United Nations Conference on International
Organization, Documents, Vol.21, General
Index, pp.26-27.)

- B. The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered

1. International treaties and declarations

Treaty for the Renunciation of War (Briand-Kellogg Pact), Paris, 27 August 1928

Article II: "The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

(United States Treaty Series, No. 796)

Inter-American Conference on War and Peace (Act of Chapultepec), 3 March 1945

...

"5. The American States have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

...

- (F) That any difference or dispute between the American nations, whether its nature or origin, shall be settled by methods of conciliation, or unrestricted arbitration, or through the operation of international justice. (Inter-American Conference for the Maintenance of Peace, 1936)

(AJIL, Vol. 39, 1945, Suppl., p. 109)

Pact of the League of Arab States, Cairo, 22 March 1945

...

Article 5. - The recourse to force for the settlement of disputes between two or more member States shall not be allowed. Should there arise among them a dispute that does not involve the independence of a State, its sovereignty or its territorial integrity, and should the two contending parties apply to the Council for the settlement of this dispute, the decision of the Council shall then be effective and obligatory.

In this case, the States among whom the dispute has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in a dispute which may lead to war between two member States or between a member State and another State in order to conciliate them.

/...

The decisions relating to arbitration and mediation shall be taken by a majority vote.

(UNTS, Vol. 70, p. 254)

Inter-American Treaty of Reciprocal Assistance, Rio de Janeiro, 2 September 1947

Article 2: "As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavour to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations."

(Annals of the Organization of American States,
Vol. I, No. 1, 1949, page 87; UNTS, Vol. 21,
p. 77)

Charter of the Organization of American States, Bogota, 30 April 1948

Article 4: "The Organization of American States proclaims the following essential purposes: ...

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States; ..."

Article 5: "The American States reaffirm the following principles: ...

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures; ..."

Article 20: "All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations."

Article 21: "The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time."

Article 22: "In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution."

/...

Article 23: "A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period."

(Annals of the Organization of American States,
Vol. I, No. 1, 1949, pp. 76, 77, 78)

United Kingdom-Belgium-France-Luxembourg-the Netherlands: Treaty of Economic,
Social and Cultural Collaboration and Collective Self-Defence. Brussels,
17 March 1948:

...

"Article VIII

In pursuance of their determination to settle disputes only by peaceful means, the High Contracting Parties will apply to disputes between themselves the following provisions:

The High Contracting Parties will, while the present Treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice by referring them to the Court, subject only, in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain the reservation.

In addition, the High Contracting Parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any Party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this Article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

(Great Britain, Foreign Office, Misc. No. 2 (1948),
Cmd. 7367. AJIL 43, Suppl., 1949, p. 62)

/...

American Treaty^{1/} on Pacific Settlement ("Pact of Bogota")
Bogota, 30 April 1948

Chapter one

"General obligation to settle disputes by pacific means"

Article I. The High Contracting Parties, solemnly reaffirming their commitments made in earlier international conventions and declarations, as well as in the Charter of the United Nations, agree to refrain from the threat or the use of force, or from any other means of coercion for the settlement of their controversies, and to have recourse at all times to pacific procedures.

Article II. The High Contracting Parties recognize the obligation to settle international controversies by regional pacific procedures before referring them to the Security Council of the United Nations.

Consequently, in the event that a controversy arises between two or more signatory States which, in the opinion of the parties, cannot be settled by direct negotiations through diplomatic channels, the parties bind themselves to use the procedures established in the present Treaty, in the manner and under the conditions provided for in the following articles, or, alternatively, such special procedures as, in their opinion, will permit them to arrive at a solution.

Article III. The order of the pacific procedures established in the present Treaty does not signify that the parties may not have recourse to the procedure which they consider most appropriate in each case, or that they should use all these procedures, or that any of them have preference over others except as expressly provided.

Article IV. Once any pacific procedure has been initiated, whether by agreement between the parties or in fulfilment of the present Treaty or a previous pact, no other procedure may be commenced until that procedure is concluded.

Article V. The aforesaid procedures may not be applied to matters which, by their nature, are within the domestic jurisdiction of the State. If the parties are not in agreement as to whether the controversy concerns a matter of

^{1/} In accordance with article LIII, the treaty came into force on 6 May 1949 in respect of Mexico and Costa Rica, which deposited their instruments of ratification with the Pan American Union on 23 November 1948 and 6 May 1949, respectively.

domestic jurisdiction, this preliminary question shall be submitted to decision by the International Court of Justice, at the request of any of the parties.

Article VI. The aforesaid procedures, furthermore, may not be applied to the matters already settled by arrangement between parties, or by arbitral award or by decision of an international court, or which are governed by agreements or treaties in force on the date of the conclusion of the present Treaty.

Article VII. The High Contracting Parties bind themselves not to make diplomatic representations in order to protect their nationals, or to refer a controversy to a court of international jurisdiction for that purpose, when the said nationals have had available the means to place their case before competent domestic courts of the respective State.

Article VIII. Neither recourse to pacific means for the solution of controversies, nor the recommendation of their use, shall, in case of an armed attack, be ground for delaying the exercise of the right of individual or collective self-defense, as provided for in the Charter of the United Nations."

Chapter two

Procedures of good offices and mediation

.....

Chapter three

Procedure of investigation and conciliation

.....

Chapter four

"Judicial procedure

Article XXXI. In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

- (a) The interpretation of a treaty;
- (b) Any question of international law;
- (c) The existence of any fact which, if established, would constitute the breach of international obligation;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation."

Chapter five

"Procedure of Arbitration

.....

Chapter six

"Fulfilment of decisions

Article L. If one of the High Contracting Parties should fail to carry out the obligations imposed upon it by a decision of the International Court of Justice or by an arbitral award, the other party or parties concerned shall, before resorting to the Security Council of the United Nations, propose a Meeting of Consultation of Ministers of Foreign Affairs to agree upon appropriate measures to ensure the fulfilment of the judicial decision or arbitral award.

Chapter seven

Advisory opinions

Article LI. The parties concerned in the solution of a controversy may, by agreement, petition the General Assembly or the Security Council of the United Nations to request an advisory opinion of the International Court of Justice on any juridical question.

The petition shall be made through the Council of the Organization of American States."

Chapter eight

Final provisions

.....

"Article LVIII. As this Treaty comes into effect through the successive ratifications of the High Contracting Parties, the following treaties, conventions and protocols shall cease to be in force with respect to such parties:

Treaty to avoid or Prevent Conflicts between the American States, of 3 May 1923; 1/

General Convention of Inter-American Conciliation, of 5 January 1929;^{2/}

General Treaty of Inter-American Arbitration and Additional Protocol of Progressive Arbitration, of 5 January 1929. 3/

Additional Protocol to the General Convention of Inter-American Conciliation, of 26 December 1933;

1/ League of Nations, Treaty Series, Volume XXXIII, page 25; Volume XXXIX, page 220; Volume LIV, page 399; Volume LXIX, page 80; Volume LXXXVIII, page 323; Volume CLVI, page 187.

2/ League of Nations, Treaty Series, Volume C, page 399; Volume CXLVII, page 338; Volume CLVI, page 212.

3/ League of Nations, Treaty Series, Volume CXXX, page 135, Volume CLVI, page 246; Volume CLX, page 407; Volume CLXXVII, page 411.

Anti-War Treaty of Non-Aggression and Conciliation, of 10 October 1933;^{1/}

Convention to Co-ordinate, Extend and Assure the Fulfilment of the Existing Treaties between the American States, of 23 December 1936; ^{2/}

Inter-American Treaty on Good Offices and Mediation, of 23 December 1936;^{3/}

Treaty on the Prevention of Controversies, of 23 December 1936.^{4/}

Article LIX. The provisions of the foregoing Article shall not apply to procedures already initiated or agreed upon in accordance with any of the above-mentioned instruments.

(UNTS, Vol. 30, pp. 55 ff.

Reservations to this treaty ibid., pp. 84-112)

Article LX. The present Treaty shall be called the 'Fact of Bogota'."

North Atlantic Treaty
Washington, 4 April 1949

"The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

...

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

^{1/} League of Nations, Treaty Series, Volume CLXIII, page 393; Volume CLXXII, page 439; Volume CLXXVII, page 481, Volume CLXXXI, page 440, Volume CXCVI, page 433.

^{2/} League of Nations, Treaty Series, Volume CXCV, page 229.

^{3/} League of Nations, Treaty Series, Volume CLXXXVIII, page 75.

^{4/} League of Nations, Treaty Series, Volume CLXXXVIII, page 53.

/...

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them."

(UNTS, Vol. 34 - pp. 244, 246.)

Revised General Act^{1/} for the Pacific Settlement of International Disputes
Adopted by the General Assembly of the United Nations on 28 April 1949 2/

Chapter I

Conciliation

Article 1

"Disputes of every kind between two or more Parties to the present General Act which it has not been possible to settle by diplomacy, shall subject to such reservations as may be made under Article 39, be submitted, under the conditions laid down in the present chapter, to the procedure of conciliation.

1/ In accordance with Article 44 the Revised General Act came into force on 20 September 1950, the ninetieth day following the receipt by the Secretary-General of the second instrument of accession.

Accessions:

BELGIUM, 23 December 1949. - Accession extends to all the provisions of the Act (chapters I, II, III, IV).

SWEDEN, 22 June 1950. - Accession extends to the provisions relating to conciliation and judicial settlement (chapters I and II) together with the general provisions dealing with these procedures (chapter IV), with the reservation provided in article 39, paragraph 2 (a), to the effect of excluding, from the procedure described in the Act, disputes arising out of facts prior to the accession.

The following States have been Parties to the Revised General Act on 20 October 1963: Belgium, Denmark, Luxembourg, Norway, Sweden and Upper Volta.

2/ In the course of the study of methods for the promotion of international co-operation in the political field, the General Assembly, among other measures, decided to restore to the General Act of 26 September 1928 its original efficacy by introducing into its text a number of amendments taking into account that the organs of the League of Nations and the Permanent Court of International Justice ceased to function. However, in adopting the amendments and instructing the Secretary-General to prepare a revised text of the General Act and to hold it open for accession by States, under the title "Revised General Act for the Pacific Settlement of International Disputes", the General Assembly in its resolution 268 A (III) of 28 April 1949, made it clear that "these amendments will only apply as between the States having acceded to the General Act as thus amended and, as a consequence, will not affect the rights of such States, parties to the Act as established on 26 September 1928, as should claim to invoke it in so far as it might still be operative". For the text of the General Act of 26 September 1928 and subsequent accessions thereto see: League of Nations, Treaty Series, volume XCII, page 343; Volume C, page 260; Volume CVII, page 529; Volume CXI, page 414; Volume CXVII, page 304; Volume CLII, page 297; Volume CLVI, page 211, Volume CLX, page 354; Volume CXCVI, page 413, and Volume CXCVII, page 304.

Article 2

The disputes referred to in the preceding article shall be submitted to a permanent or special conciliation commission constituted by the parties to the dispute.

Article 3

On a request to that effect being made by one of the Contracting Parties to another party, a permanent conciliation commission shall be constituted within a period of six months.

Article 4

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

(1) The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5

If, when a dispute arises, no permanent conciliation commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date

at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 6

1. If the appointment of the commissioners to be designated jointly is not made within the period provided for in articles 3 and 5, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties, or on request of the parties, to the President of the General Assembly, or, if the latter is not in session, to the last President.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 7

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall, without delay, be notified by it.

Article 8

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent conciliation commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 9

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the United Nations, or at some other place selected by its President.

2. The Commission may, in all circumstances request the Secretary-General of the United Nations to afford it his assistance.

Article 10

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 11

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of part III of the Hague Convention of 18 October 1907 1/ for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

1/ British and Foreign State Papers, Volume 100, page 298. League of Nations, Treaty Series, Volume LIV, page 435, and Volume CXXXIV, page 453.

Article 12

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 13

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 14

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 15

1. The task of the Conciliation Commission shall be to elucidate the question in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of the proceedings the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognizance of the dispute.

Article 16

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published."

Chapter II

Judicial settlement

Article 17

All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under article 39, be submitted for decision to the International Court of Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal. It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the International Court of Justice.

Article 18

If the parties agree to submit the dispute mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes shall apply so far as is necessary.

If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the Tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the International Court of Justice.

Article 19

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the International Court of Justice.

/...

Article 20

1. Notwithstanding the provisions of article 1, disputes of the kind referred to in article 17 arising between parties who have acceded to the obligations contained in the present chapter shall only be subject to the procedure of conciliation if the parties so agree.

2. The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of article 39.

3. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the International Court of Justice or call for the constitution of the arbitral tribunal referred to in article 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Chapter III

Arbitration

Article 21

Any dispute not of the kind referred to in article 17 which does not, within the month following the termination of the work of the Conciliation Commission provided for in chapter I, form the object of an agreement between the parties, shall, subject to such reservations as may be made under article 39, be brought before the arbitral tribunal which, unless the parties otherwise agree, shall be constituted in the manner set out below.

Article 22

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The other two arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory not be in the service of the parties.

Article 23

1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the President of the International Court of Justice. If the latter is prevented from acting or is a subject of one of the parties, the nominations shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the parties, the appointments shall be made by the oldest member of the Court who is not a subject of either party.

Article 24

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 25

The parties shall draw up a special agreement determining the subject of the disputes and the details of procedure.

Article 26

In the absence of sufficient particulars in the special agreement regarding the matters referred to in preceding articles, the provisions of the Hague Convention of 18 October 1907 for the Pacific Settlement of International Disputes shall apply so far as is necessary.

Article 27

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other party.

Article 28

If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute enumerated in Article 38 of the Statute of the International Court of Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide ex aequo et bono.

Chapter IV

General Provisions

Article 29

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present General Act shall not affect any agreements in force by which conciliation procedure is established between the Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present General Act concerning judicial settlement or arbitration shall be applied in so far as the parties have acceded thereto.

Article 30

If a party brings before a Conciliation Commission a dispute which the other party, relying on conventions in force between the parties, has submitted to the International Court of Justice or an arbitral tribunal, the Commission shall defer consideration of the dispute until the Court or the Arbitral Tribunal has pronounced upon the conflict of competence. The same shall apply if the Court of the Tribunal is seized of the case by one of the parties during the conciliation proceedings.

Article 31

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to

the matter in dispute being submitted for settlement by the different methods laid down in the present General Act until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present General Act must notify the other party of its intention within a period of one year from the date of the aforementioned decision.

Article 32

1. If, in a judicial sentence or arbitral award, it is declared that a judgement, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgement or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 33

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the International Court of Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a conciliation commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 34

Should a dispute arise between more than two Parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in foregoing provisions:

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third Powers not parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event, the parties, unless they agree otherwise, shall apply article 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.

(b) In the case of judicial procedure, the Statute of the International Court of Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the Tribunal, in the case of the disputes mentioned in article 17, each party shall have the right, by means of an application, to submit the dispute to the International Court of Justice; in the case of the disputes mentioned in article 21, the above article 22 and following articles shall apply, but each party having separate interests shall appoint one arbitrator and the number of arbitrators separately appointed by the parties to the dispute shall always be one less than that of the other arbitrators.

Article 35

1. The present General Act shall be applicable as between the Parties thereto, even though a third Power, whether a Party to the Act or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

Article 36

1. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision

in the case, it may submit to the International Court of Justice or to the Arbitral Tribunal a request to intervene as a third party.

2. It will be for the Court or the Tribunal to decide upon this request.

Article 37

1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the International Court of Justice or the Arbitral Tribunal shall notify all such States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

Article 38

Accessions to the present General Act may extend:

- A. Either to all the provisions of the Act (chapters I, II, III, and IV);
- B. Or to those provisions only which relate to conciliation and judicial settlement (chapters I and II), together with the general provisions dealing with these procedures (chapter IV);
- C. Or to those provisions only which relate to conciliation (chapter I), together with the general provisions concerning that procedure (chapter IV).

The Contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations.

Article 39

1. In addition to the power given in the preceding article, a Party, acceding to the present General Act, may make his acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

2. These reservations may be such as to exclude from the procedure described in the present Act:

(a) Disputes arising out of facts prior to the accession either of the Party making the reservation or of any other Party with whom the said Party may have a dispute;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;

(c) Disputes concerning particular cases or clearly specified subject-matters, such as territorial status, or disputes falling within clearly defined categories.

3. If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. In the case of Parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation.

Article 40

A Party whose accession has been only partial, or was made subject to reservations, may at any moment, by means of a simple declaration, either extend the scope of his accession or abandon all or part of his reservations.

Article 41

Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the International Court of Justice.

Article 42

The present General Act shall bear the date of 28 April 1949.

Article 43

1. The present General Act shall be open to accession by the Members of the United Nations, by the non-member States which shall have become parties to the Statute of the International Court of Justice or to which the General Assembly of the United Nations shall have communicated a copy for this purpose.

2. The instruments of accession and the additional declarations provided for by article 40 shall be transmitted to the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-member States referred to in the preceding paragraph.

3. The Secretary-General of the United Nations shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to three forms of accession to the present Act provided for in article 38, in which shall be shown the accession and additional declarations of the Contracting Parties. These lists, which shall be continually kept up to date, shall be published in the annual report presented to the General Assembly of the United Nations by the Secretary-General.

Article 44

1. The present General Act shall come into force on the ninetieth day following the receipt by the Secretary-General of the United Nations of the accession of not less than two Contracting Parties.

2. Accessions received after the entry into force of the Act, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the United Nations. The same rule shall apply to the additional declarations provided for by article 40.

Article 45

1. The present General Act shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of Contracting Parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations, who shall inform all the Members of the United Nations and the non-member States referred to in article 43.

4. A denunciation may be partial only, or may consist in notification or reservation not previously made.

5. Notwithstanding denunciation by one of the Contracting Parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.

Article 46

A copy of the present General Act, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat. A certified true copy shall be delivered by the Secretary-General to each of the Members of the United Nations, to the non-member States which shall have become parties to the Statute of the International Court of Justice and to those designated by the General Assembly of the United Nations.

Article 47

The present General Act shall be registered by the Secretary-General of the United Nations on the date of its entry into force."

(UNTS, Vol. 71, pp. 102-126)

Southeast Asia Collective Defense Treaty,
Manila, 8 September 1954

...

"Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

(UNTC, Vol. 209, p. 28)

Bandung Conference - Declaration on World Peace and Cooperation, 24 April 1955

"... nations should practise tolerance, live together in peace with one another as good neighbours, and develop friendly co-operation on the basis of the following principles:

...

8. Settlement of all international disputes by peaceful means such as negotiations, conciliation, arbitration, or judicial settlement, as well as other peaceful means of the parties' own choice in conformity with the U.N. Charter. ..."

(Keesing's Contemporary Archives, May 7-14, 1955,
p. 14184)

Note by the Secretariat. A ten point declaration recapitulating the principles adopted at the Bandung Conference and declaring that these principles "should remain the basis of international relations" was adopted by non-Governmental Afro-Asian Solidarity Conference held in Cairo from 26 December 1957, to 1 January 1958.

The loyalty of the declaration of the Afro-Asian Conference held in Bandung was also proclaimed and reaffirmed by the Accra Conference of independent African States, held on 15-22 April 1958, and by other international conferences.

Treaty of Friendship, Co-operation and Mutual Assistance (Warsaw Treaty),
Warsaw, 17 May 1955

"The Contracting Parties, ...

"Being guided by the purposes and principles of the Charter of the United Nations:

Article 1

The Contracting Parties undertake, in accordance with the Charter of the United Nations, to refrain in their international relations from the threat or use of force and to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered."

(UNTS, Vol. 219, pp. 24, 26)

Statute of the International Atomic Energy Agency
Done at the Headquarters of the United Nations,
on 29 October 1956

"Article XVII

Settlement of Disputes

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities."

(UNTS, Vol. 276, p. 34)

European Convention^{1/} for the peaceful settlement of disputes
Strasbourg, 29 April 1957

"The Governments signatory hereto, being Members of the Council of Europe, ...

Convinced that the pursuit of peace based upon justice is vital for the preservation of human society and civilization;

Resolved to settle by peaceful means any disputes which may arise between them,

Have agreed as follows:

Chapter I

Judicial Settlement

Article 1

The High Contracting Parties shall submit to the judgement of the International Court of Justice all international legal disputes which may arise between them including, in particular, those concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of international obligation;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

Article 2

1. The provisions of Article 1 shall not affect undertakings by which the High Contracting Parties have accepted or may accept the jurisdiction of the International Court of Justice for settlement of disputes other than those mentioned in Article 1.
2. The parties to a dispute may agree to resort to the procedure of conciliation before that of judicial settlement.

^{1/} In accordance with article 41, the Convention came into force on 30 April 1958, the date of deposit of the second instrument of ratification with the Secretary-General of the Council of Europe.

Article 3

The High Contracting Parties which are not parties to the Statute of the International Court of Justice shall carry out the measures necessary to enable them to have access thereto.

Chapter II

Conciliation

Article 4

1. The High Contracting Parties shall submit to conciliation all disputes which may arise between them, other than disputes falling within the scope of Article 1.
2. Nevertheless, the parties to a dispute falling within the scope of this Article may agree to submit it to an arbitral tribunal without prior recourse to the procedure of conciliation.

Article 5

When a dispute arises which falls within the scope of Article 4, it shall be referred to a Permanent Conciliation Commission competent in the matter, previously set up by the parties concerned. If the parties agree not to have recourse to that Commission, or if there is no such Commission, the dispute shall be referred to a special Conciliation Commission, which shall be set up by the parties within a period of three months from the date on which a request to that effect is made by one of the parties to the other party.

...

Article 18

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

/...

Chapter III

Arbitration

Article 19

The High Contracting Parties shall submit to arbitration all disputes which may arise between them other than those mentioned in Article 1 and which have not been settled by conciliation, either because the parties have agreed not to have prior recourse to it or because conciliation has failed.

Chapter IV

General Provisions

Article 27

The provisions of this Convention shall not apply to:

- (a) disputes relating to facts or situations prior to the entry into force of this Convention as between the parties to the dispute;
- (b) disputes concerning questions which by international law are solely within the domestic jurisdiction of States.

Article 28

1. The provisions of this Convention shall not apply to disputes which the parties have agreed or may agree to submit to another procedure of peaceful settlement. Nevertheless, in respect of disputes falling within the scope of Article 1, the High Contracting Parties shall refrain from invoking as between themselves agreements which do not provide for a procedure entailing binding decisions.
 2. This Convention shall in no way affect the application of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed on 4 December 1950, ^{1/} or of the Protocol thereto signed on 20 March 1952. ^{2/}
-
- ^{1/} United Nations, Treaty Series, Vol. 213, p. 221; Vol. 223, p. 382; Vol. 226, p. 380; Vol. 256, p. 365; Vol. 265, p. 388; Vol. 275, p. 306, Vol. 310, p. 380; and Vol. 313, p. 363.
- ^{2/} United Nations, Treaty Series, Vol. 213, p. 221; Vol. 223, p. 382; Vol. 265, p. 388; Vol. 310, p. 382; and Vol. 313, p. 366.

...

Article 31

1. In all cases where a dispute forms the subject of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on point of being committed, the International Court of Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The Parties shall abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, shall abstain from any sort of action whatsoever which may aggravate or extend the dispute.

...

Article 34

1. On depositing its instrument of ratification, any one of the High Contracting Parties may declare that it will not be bound by:

(a) Chapter III relating to arbitration; or

(b) Chapters II and III relating to conciliation and arbitration.

2. A High Contracting Party may only benefit from those provisions of this Convention by which it is itself bound.

...

Article 39

1. Each of the High Contracting Parties shall comply with the decision of the International Court of Justice or the award of the Arbitral Tribunal in any dispute to which it is a party.

2. If one of the parties to a dispute fails to carry out its obligations under a decision of the International Court of Justice or an award of the Arbitral Tribunal, the other party to the dispute may appeal to the Committee of Ministers of the Council of Europe. Should it deem necessary, the latter, acting by a two-thirds majority of the representatives entitled to sit on the Committee, may make recommendations with a view to ensuring compliance with the said decision or award."

Organization of African Unity, Addis Ababa, 26 May 1963

B. Purposes

Article II: The organization shall have the following purposes:

...

3. To defend their sovereignty, territorial integrity and independence.

...

/...

5. To promote international co-operation, with due regard for the U.N. Charter and the universal declaration of human rights.

...

C. Principles

Article III: The Member States, in pursuit of the purposes stated in Article I, solemnly affirm and declare their adherence to the following principles:

...

4. Peaceful settlement of disputes by negotiation, mediation, conciliation, or arbitration.

(International Legal Materials - the American Society of International Law - Vol.II, No.4, July 1963, pp.767-68; see also Congressional Record - House, 29 May 1963, p.9299)

Other international instruments on peaceful settlement of international disputes

(a) period before the Second World War

Hague Conventions for the Pacific Settlement of International Disputes, 1899, 1907 (see Peace Conferences at The Hague, 1899 and 1907, London 1908, p.21 ff., 155 ff.)

Convention respecting the limitation of the employment of force for the recovery of contract debts, The Hague, 1907 (US State Dept. Treaty Series, 537)

Covenant of the League of Nations, 28 April 1919 (see e.g. 13 AJIL, 1919, Suppl., p. 128 ff.)

Treaty to Avoid or Prevent Conflicts between the American States, 3 May 1923 (In. Conferences of American States, 1899-1928; Hudson: Int. Legislation, Vol. II, p. 1006)

Convention for the Establishment of International Commissions of Inquiry, 1923 Hudson, International Legislation, Vol. II, p. 985)

Convention for the Establishment of an International Central American Tribunal, 1923 (Hudson, International Legislation, Vol. II, p. 903)

Protocol on the Pacific Settlement of International Disputes, 1924 (not entered into force). (Hudson, International Legislation, Vol. II, p. 1378; LN Doc.C.606.M.211.1924.IX)

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Yugoslavia - Albania, Protocol concerning the establishment of an Albanian-Yugoslav Board of Arbitration, Belgrade 1947 (UNTS, Vol. 111, pp. 183-187)

Poland - USSR, Convention concerning the procedure for the settlement of frontier disputes and incidents, Moscow 1948 (UNTS, Vol. 37, pp. 107-197)

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Revised General Act for the Pacific Settlement of International Disputes, adopted by the General Assembly of the United Nations on 28 April 1949 (UNTS, Vol. 71, No. 912)

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United Kingdom - France, Special Agreement for submission to the International Court of Justice of differences concerning sovereignty over the Mangliers and Eerochos islets, London 1950 (UNTS, Vol. 113, pp. 150-153)

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United Kingdom - Greece, Agreement regarding the submission to arbitration of the Ambetieles claim, London 1955 (UNTS, Vol. 209, pp. 187-195)

Greece - Sweden, Convention concerning judicial settlement, Athens 1956 (UNIS, Vol. 299, pp. 247-251)

Belgium - Netherlands, Arrangement to submit to the International Court of Justice the difference ... concerning sovereignty over certain lots situated along the Belgian-Netherlands frontier, The Hague 1957 (UNIS, Vol. 282, pp. 241-247)

USSR - Afghanistan, Treaty concerning the régime of the Soviet-Afghan state frontier, Moscow 1958 (UNIS, Vol. 321, pp. 79-237)

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(see also numerous treaties on mutual defence, assistance, friendship and alliance, mutual security, amity, co-operation, etc., published in the United Nations Treaty Series, which in most cases contain a clause concerning the settlement of disputes)

2. Decisions of international tribunals
(general rules)

Eastern Carelia, P.C.I.J., Series B, No.5, p. 27 (Hambro, E.: The Case Law of International Court, I, Leyden 1952, pp. 85, 119).

Mavrommatis Case, P.C.I.J., Series A, No.2, pp. 11, 13, 15 (Hambro, op. cit., I, pp. 297, 299; Fenwick: Cases on International Law, 1951, pp. 711-715).

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Lighthouse Case (France-Greece), P.C.I.J., Series A/B, No.62, p. 22 (Hambro, op. cit., I, p. 305).

The Pajzs, Csáky, Esterházy Case, P.C.I.J., Series A/B, No.68, p. 60 (Hambro, op. cit., I, pp. 305-307).

Article 4 of the Charter of the United Nations. I.C.J. Reports 1947-48, pp. 61, 64 (Hambro, op. cit., I, p. 367, 217).

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Article 3, paragraph 2, of the Treaty of Lausanne (Turkey-Iraq Frontier), P.C.I.J., Series B, No.12, p. 32 (Hambro, op. cit., I, p. 195).

Effects of awards of compensation made by the United Nations Administrative Tribunal, I.C.J. Reports 1954, pp. 51-53 (Hambro, op. cit., I, pp. 199-201).

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3. United Nations resolutions and practice

(a) Resolutions

109 (II). Threats to the political independence
and territorial integrity of Greece

"The General Assembly ...

5. Calls upon Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their disputes by peaceful means, and to that end recommends:

..."

(Official Record of the Second Session of the
General Assembly, 1947, Resolutions, p. 13)

171 (II). Need for greater use by the United Nations and its
organs of the International Court of Justice

C

"The General Assembly,

Considering that, in virtue of Article 1 of the Charter, international disputes should be settled in conformity with the principles of justice and international law;

Considering that the International Court of Justice could settle or assist in settling many disputes in conformity with these principles if, by the full application of the provisions of the Charter and of the Statute of the Court, more frequent use were made of its services,

1. Draws the attention of the States which have not yet accepted the compulsory jurisdiction of the Court in accordance with Article 36, paragraphs 1 and 5, of the Statute, to the desirability of the greatest possible number of States accepting this jurisdiction with as few reservations as possible;

2. Draws the attention of the States Members to the advantage of inserting in conventions and treaties arbitration clauses providing, without prejudice to Article 95 of the Charter, for the submission of disputes which may arise from the interpretation or application of such conventions or treaties, preferably and as far as possible to the International Court of Justice.

3. Recommends as a general rule that States should submit their legal disputes to the International Court of Justice."

(Official Records of the Second Session of the
General Assembly, Resolutions, pp. 103, 104)

190 (III). Appeal to the great Powers to renew their efforts to
compose their differences and establish a lasting
peace

"Whereas it is the essential purpose of the United Nations to maintain international peace and security and to that end it must co-ordinate its efforts to bring about by peaceful means the settlement of international disputes or situations which might lead to a breach of the peace,

Whereas the United Nations should be a centre for harmonizing the actions of nations in the attainment of this common end, ...

The General Assembly

1. Recalls the declarations made at Yalta on 11 February 1945 by Churchill, Roosevelt and Stalin, in which the signatories

'Reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations, and our determination to build in co-operation with other peace-loving nations a world order under law, dedicated to peace, security, freedom and the general well-being of all mankind',

And proclaim that

'Only with continuing and growing co-operation and understanding among our three countries, and among all the peace-loving nations, can the highest aspiration of humanity be realised - a secure and lasting peace which will, in the words of the Atlantic Charter 'Afford assurance that all the men in all the lands may live out their lives in freedom from fear and want'';

2. Endorses these declarations and expresses its conviction that the great Allied Powers will, in their policies, conform to the spirit of the said declarations;

3. Recommends the Powers signatories to the Moscow Agreements of 24 December 1945, and the Powers which subsequently acceded thereto, to redouble their efforts, in a spirit of solidarity and mutual understanding, to secure in the briefest possible time the final settlement of the war and the conclusion of all the peace settlements;

4. Recommends the aforementioned Powers to associate with them, in the performance of such a noble task, the States which subscribed and adhered to the Washington Declaration of 1 January 1942."

(Official Records of the Third Session of the
General Assembly, Part I, 21 September -
12 December 1948, Resolutions, pp. 15-16)

193 (III). Threats to the political independence and
territorial integrity of Greece

"The General Assembly ...

7. Again calls upon Albania, Bulgaria and Yugoslavia to co-operate with Greece in the settlement of their dispute by peaceful means in accordance with the recommendations contained in resolution 109 (II);"

(Official Records of the Third Session of the
General Assembly, Part I, Resolutions, p. 20)

268 (III). Study of methods for the promotion of international
co-operation in the political field

"A

Restoration to the General Act of 26 September 1928 of its Original
Efficacy

...

"B

Appointment of a Rapporteur or Conciliator for a Situation or a Dispute
Brought to the Attention of the Security Council

The General Assembly, ...

Recommends that the Security Council examine the utility and desirability of adopting the following practice:

/...

After a situation or dispute has been brought to the attention of representatives of the Security Council in accordance with rule 6 of the provisional rules of procedure of the Security Council and not later than immediately after the opening statements on behalf of the parties concerned,

(a) The parties shall be invited to meet with the President of the Security Council;

(b) They shall attempt to agree upon a representative on the Security Council to act as a rapporteur or conciliator for the case. The representative so agreed upon may be the President or any other representative of the Council who will thereupon be appointed by the President to undertake the function of rapporteur or conciliator. The President shall inform the Security Council whether a rapporteur or conciliator has been appointed;

(c) If a rapporteur or a conciliator is appointed, it would be desirable for the Security Council to abstain from further action on the case for a reasonable interval during which actual efforts at conciliation are in progress;

(d) The rapporteur or conciliator so agreed upon and appointed shall attempt to conciliate the situation or dispute, and shall in due course report to the Security Council."

...

D

Creation of a Panel for Inquiry and Conciliation

"The General Assembly, ...

Deeming it desirable to facilitate in every practicable way the compliance by Member States with the obligation in Article 33 of the Charter first of all to seek a solution of their disputes by peaceful means of their own choice,

Noting the desirability, as shown by the experience of organs of the United Nations, of having qualified persons readily available to assist those organs in the settlement of disputes and situations by serving on commissions of inquiry or of conciliation,

Concluding that to make provision for a panel of persons having the highest qualifications in this field available to any States involved in controversies and to the General Assembly, the Security Council and their subsidiary organs, when exercising their respective functions in relation to disputes and situations, would promote the use and effectiveness of procedures of inquiry and conciliation,

/...

1. Invites each Member State to designate from one to five persons who, by reason of their training, experience, character and standing, are deemed to be well fitted to serve as members of commissions of inquiry or of conciliation and who would be disposed to serve in that capacity;

2. Directs the Secretary-General to take charge of the administrative arrangements connected with the composition and use of the panel;

3. Adopts the annexed articles relating to the composition and use of the Panel for Inquiry and Conciliation."

(Official Records of the Third Session of the General Assembly, Part II, 5 April - 18 May 1949, Resolutions, pp. 10, 12, 13, see also Annex to this part of the Resolution)

288 (IV). Threats to the political independence and territorial integrity of Greece

"The General Assembly ...

5. Again calls upon Albania, Bulgaria and Yugoslavia to co-operate with Greece in the settlement of their differences by peaceful means, in accordance with the provisions of Article 2, paragraph 3 of the Charter, and to that end recommends:

..."

(Official Records of the Fourth Session of the General Assembly, Resolutions, 1949, p. 9)

372 (V). Duties of States in the event of the outbreak of hostilities

A

"The General Assembly,

Reaffirming the Principles embodied in the Charter, which require that the force of arms shall not be resorted to except in the common interest, and shall not be used against the territorial integrity or political independence of any State,

/...

Desiring to create a further obstacle to the outbreak of war, even after hostilities have started, and to facilitate the cessation of the hostilities by the action of the parties themselves, thus contributing to the peaceful settlement of disputes,

1. Recommends:

(a) That if a State becomes engaged in armed conflict with another State or States, it take all steps practicable in the circumstances and compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment;

(b) In particular, that such State shall immediately, and in any case not later than twenty-four hours after the outbreak of the hostilities, make a public statement wherein it will proclaim its readiness, provided that the States with which it is in conflict will do the same, to discontinue all military operations and withdraw all its military forces which have invaded the territory or territorial water of another State or crossed a demarcation line, either on terms agreed by the parties to the conflict or under conditions to be indicated to the parties by the appropriate organs of the United Nations;

(c) That such State immediately notify the Secretary-General, for communication to the Security Council and to the Members of the United Nations, of the statement made in accordance with the preceding sub-paragraph and of the circumstances in which the conflict has arisen;

(d) That such State, in its notification to the Secretary-General, invite the appropriate organs of the United Nations to dispatch the Peace Observation Commission to the area in which the conflict has arisen, if the Commission is not already functioning there;

(e) That the conduct of the States concerned in relation to the matters covered by the foregoing recommendations be taken into account in any determination of responsibility for the breach of the peace or act of aggression in the case under consideration and in all other relevant proceedings before the appropriate organs of the United Nations;

2. Determines that the provisions of the present resolution in no way impair the rights and obligations of States under the Charter of the United Nations nor the decisions or recommendations of the Security Council, the General Assembly or any other competent organ of the United Nations."

(General Assembly Official Records: Fifth Session, Suppl. No.20 (A/1775) pp. 12-13)

379 (V). Establishment of a Permanent Commission of Good Offices

"The General Assembly,

Mindful of the provision in Article 33 of the Charter that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice;

Recalling that in General Assembly Resolution 295 (IV) the Interim Committee of the General Assembly is charged to consider systematically the further implementation of that part of Article 11 (paragraph 1) of the Charter relating to the general principles of co-operation in the maintenance of international peace and security and of that part of Article 13 (paragraph 1a) which deals with the promotion of international co-operation in the political field, ... *

1. Decides to refer to the Interim Committee item 73 of the agenda of the present session (Establishment of a permanent commission of good offices);

2. Recommends to the Interim Committee, in continuing its systematic examination of machinery for the pacific settlement of disputes, to study this item in connexion with the question of establishment of a permanent organ of conciliation and taking into account the proposal introduced by Yugoslavia pursuant to item 73 and the discussions of the fifth session of the General Assembly on that item."

(General Assembly Official Records: Fifth Session, Supplement No.20 (A/1775): p. 13)

- * Note by the Secretariat: The Interim Committee studied various aspects of the peaceful settlement of international disputes during the years 1948-50. See Official Records of the General Assembly: Third Session, Supplement No.10 (doc. A/605 and Annexes), Fourth Session, Supplement No.11 (doc. A/966 and Annexes) and Fifth Session, Supplement No.14 (doc. A/1388 and Annexes).

506 A (VI). Admission of new Members, including the right of candidate State to respect proof of the conditions required under Article 4 of the Charter

"The General Assembly ...

Considering that the judgement of the Organization that they are willing and able to carry out these obligations and are otherwise qualified for membership ought to be based on facts such as: the maintenance of friendly relations with other States, the fulfilment of international obligations and the record of a State's willingness and present disposition to submit international claims or controversies to pacific means of settlement established by international law,".

(General Assembly Official Records:
Sixth Session, Suppl. No.20, (A/2119),
p. 4)

1014 (XI). Draft convention concerning a system of consultation

"The General Assembly,

Noting the proposal of the Government of Argentina for a draft convention to establish a system of consultation as part of the general United Nations system, ...

1. Decides to refer to Member States the proposal of the Government of Argentina and the records of the consideration of this proposal at the eleventh session of the General Assembly, to be considered during the review of peaceful settlement procedures and mechanisms at such a General Conference;

2. Recommends to the Governments of Member States that they transmit their views with respect to the proposal of the Government of Argentina to the Secretary-General prior to the convening of the General Conference."

(General Assembly Official Records,
Eleventh Session, Supplement No.17
(A/3572) - p. 5)

1236 (XII). Peaceful and neighbourly relations among States

"The General Assembly,

Considering the urgency and the importance of strengthening international peace and of developing peaceful and neighbourly relations among States irrespective of their divergences or the relative stages and nature of their political, economic and social development, ...

Realizing the need to promote these objectives and to develop peaceful and tolerant relations among States, in conformity with the Charter, based on mutual respect and benefit, non-aggression, respect for each other's sovereignty, equality and territorial integrity and non-intervention in one another's internal affairs, and to fulfil the purposes and principles of the Charter,

Recognizing the need to broaden international co-operation, to reduce tensions and to settle differences and disputes among States by peaceful means,

Calls upon all States to make every effort to strengthen international peace, and to develop friendly and co-operative relations and settle disputes by peaceful means as enjoined in the Charter of the United Nations and as set forth in the present resolution."

(General Assembly Official Records:
Twelfth Session, Supplement No.18 (A/3805),
p. 5)

1262 (XIII). Question of arbitral procedure

"The General Assembly,

Recalling its resolutions 797 (VIII) of 7 December 1953 and 989 (X) of 14 December 1955,

Considering that arbitration is one of the means for the pacific settlement of disputes referred to in the Charter of the United Nations,

Having considered chapter II, on arbitral procedure, of the report of the International Law Commission covering the work of its tenth session,

Taking note of the comments in that report to the effect, in particular, that the draft articles on arbitral procedure contained therein would have no binding effects on States unless accepted by them and save to the extent that each one is accepted by them in treaties of arbitration or in a compromis,

Taking into consideration the observations of Governments and the statements made in the Sixth Committee at the thirteenth session of the General Assembly,

1. Takes note of chapter II of the report of the International Law Commission covering the work of its tenth session,

2. Expresses its appreciation to the International Law Commission and the Secretariat for their work on arbitral procedure;

3. Brings the draft articles on arbitral procedure contained in the report of the International Law Commission to the attention of Member States for their consideration and use, in such cases and to such extent as they consider appropriate, in drawing up treaties of arbitration or compromis;

4. Invites Governments to send to the Secretary-General any comments they wish to make on the draft, and in particular on their experience in the drawing up of arbitral agreements and the conduct of arbitral procedure, with a view to facilitating a review of the matter by the United Nations at an appropriate time."

(General Assembly Official Records, Thirteenth Session, Supplement No.18 (A/4090), p. 53)

Note by the Secretariat: "Model rules on arbitral procedures" are contained also in the Yearbook of the International Law Commission, 1958, Vol. II, pp. 83-86. General observations and comments on particular articles, ibid., pp. 80-83, 86-88. See also General Assembly resolutions 797 (VIII), 988 (X), 989 (X), Yearbook of the International Law Commission 1958, Vol. I, 1957, Vol. II, documents A/2163, A/2456, A/2899 and Add. 1-2, A/CN.4/L.78/Add.1, A/CN.4/109, Annex, A/CN.4/92, A/CN.4/113, Annex; Commentary on the Draft Convention on Arbitral Procedure adopted by the International Law Commission at its fifth session (United Nations publication, Sales No.1955.V.1.)

1301 (XIII). Measures aimed at the implementation and promotion of peaceful and neighbourly relations among States

"The General Assembly,

Recalling its resolution 1236 (XII) of 14 December 1957, ...

Realizing the urgent need of finding solutions to contemporary problems which stand in the way of the promotion of friendly and neighbourly relations among States, ...

Recognizing that the United Nations plays an increasingly important part in international co-operation, negotiation and conciliation,

Recognizing furthermore that in the observance of the purposes and principles of the United Nations lies the best basis of ensuring the conditions essential for the nations and peoples of the world to live and to assist each other in mutual tolerance and understanding for the benefit of all,

1. Reaffirms the purposes and principles of the United Nations;
2. Calls upon Member States to live together within the letter and spirit of the Charter of the United Nations;
3. Urges all Member States, while making full use of Article 33 of the Charter, to resort to the Organization for the peaceful solution of problems which interfere with friendly and neighbourly relations among States or threaten international peace;
4. Calls upon Member States to take effective steps towards the implementation of principles of peaceful and neighbourly relations; ..."

(General Assembly Official Records, Thirteenth Session, Supplement No.18 (A/4090), p. 8)

1505 (IV). Future work in the field of the codification and progressive development of international law

"The General Assembly, ...

Considering that the conditions prevailing in the world today give increased importance to the role of international law - and its strict and undeviating observance by all Governments - in strengthening international peace,

developing friendly and co-operative relations among the nations, settling disputes by peaceful means and advancing economic and social progress throughout the world,

Recalling its resolutions 1236 (XII) of 14 December 1957 and 1301 (XIII) of 10 December 1958,

...

Considering that many new trends in the field of international relations have an impact on the development of international law,"

(General Assembly Official Records, Fifteenth Session, Suppl. No.16 (A/4684), p. 59)

/...

(b) Practice

Repertory of Practice of United Nations Organs: Analytical Summaries

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(United Nations, Repertory of Practice of United Nations Organs, Table of Contents and Subject Index to Volumes I-V, New York, 1957; Supplement No. 1, Vol. I-II, New York, 1958.)

Repertoire of the Practice of the Security Council, Consideration of the
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(Repertoire of the Practice of the Security Council, 1946-1951, New York, 1954;
1952-1955, New York, 1957; 1956-1958, New York, 1959.)

4. Decisions and proposals of other bodies

Inter-American Juridical Committee, 1942

Reaffirmation of Fundamental Principles of International Law

Project of Resolution submitted to the Governments, Members of the Pan American Union

.....

"VI. All differences or disputes between States whatever their nature or origin, must be settled by peaceful procedures, in accordance with the provisions of international conventions, treaties and agreements, and on the basis of established principles of international law.

When two or more States in controversy are unable to reach a peaceful agreement, the good offices or mediation of other States between the parties are in order. These good offices or mediation are a friendly act in the interest of law and justice.

When these or other measures fail, consultation should take place among the States, with the object of formulating a collective recommendation or of seeking to renew friendly intervention."

(AJIL, 1943, Vol. 27, pp. 21-24)

"Hudson Committee", International Law of the Future, 1944

Postulates, Principles and Proposals

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"Principle 6. Each State has a legal duty to employ pacific means and none but pacific means in seeking to settle its disputes with other States, and failing settlement by other pacific means to accept the settlement of its disputes by the competent agency of the community of States."

(AJIL, Vol. 38, Suppl., 1944, pp. 82-84)

International Law Commission: Draft Declaration on Rights and Duties of States, 1949

.....

"Article 8: Every State has the duty to settle its disputes with other States by peaceful means in such a manner that international peace and security, and justice, are not endangered."

(Report of the ILC covering its First Session, 1949, (A/925), Annex to General Assembly resolution 375 (IV))

Institute of International Law Resolutions

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International Conciliation

.....

"The Institute of International Law,

Considering that by the provisions of the Charter of the United Nations, States have the duty to seek by peaceful means the settlement of international disputes,

Acknowledging that nevertheless a certain number of disputes have remained unsettled in the course of recent years, the Parties having neglected or refused recourse to judicial settlement or arbitration,

Considering that such a state of affairs is prejudicial to international understandings,

Observing, on the other hand, that the procedure of international conciliation has been employed with success in a number of cases during recent years,

Draws the attention of States to the advantage, for a sound appreciation by them of questions arising from a dispute and for its peaceful solution, of the assistance of a small number of competent and impartial men of good will,

For this reason again recommends States to conclude, if they have not already done so, conventions establishing permanent bilateral commissions of conciliation as provided by different treaties and, in particular, by the General Act of 1928/1949, even if they are not disposed to undertake any engagement to submit to these commissions all disputes or certain categories of disputes,

Emphasizes that Parties willing to have recourse to the procedure of conciliation are free to determine the methods according to their particular preferences, either when establishing a permanent or ad hoc Commission or at a later date,

Declares that no admission or proposal formulated during the course of the conciliation procedure, either by one of the Parties or by the Commission, can be considered as prejudicing or affecting in any manner the rights or the contentions of either Party in the event of the failure of the procedure; and, similarly, the acceptance by one Party of a proposal of settlement in no way implies any admission by it of the considerations of law or of fact which may have inspired the proposal of settlement, and

Recommends that States wishing either to conclude a bilateral conciliation convention or to submit a dispute which has already arisen to conciliation

/...

procedures before an ad hoc Commission, should adopt the rules contained in the annexed Regulations which the Institute substitutes for those adopted 2 September 1927, at the Session of Lausanne; and that, in the absence of such adoption, the members of the Commissions of Conciliation should be guided by these rules for the solution of questions entrusted to them by the Parties.

Regulations on the Procedure of International Conciliation

Sec. 1. Definition of Conciliation

Article 1

For the purpose of the present provisions, 'conciliation' means a method for the settlement of international disputes of any nature according to which a Commission set up by the Parties, either on a permanent basis or on an ad hoc basis to deal with a dispute, proceeds to the impartial examination of the dispute and attempts to define the terms of a settlement susceptible of being accepted by them, or of affording the Parties, with a view to its settlement, such aid as they may have requested.

Sec. 2. Procedure for Conciliation

Article 2

The Conciliation Commission is seized of the dispute in the manner agreed upon by the Parties. In the absence of such agreement, the Commission can be seized not only by a joint application of the Parties, but by an application by one of them, addressed to the President and indicating in summary form the object of the dispute. On receiving a unilateral application, the President is responsible for seeing that it has been communicated to the other Party and that the latter accepts recourse to conciliation.

Article 3

It is desirable that any application by which the Commission is seized of a dispute should contain the designation of the agent or agents who will represent the Party or Parties making the application.

Should occasion arise, the President of the Commission may request any Party to make such a designation.

He then designates the place and date of the first meeting to which the members of the Commission and the agents are summoned. 1/

1/ Attention is drawn to the fact that the Administrative Council of the Permanent Court of Arbitration places its premises and staff at the disposition of States Parties to its Statute who resort to conciliation.

Article 4

At its first meeting, the Commission will name its secretary and taking account of such circumstances, among others, as the time which may have been granted to it for the completion of its task, will determine the method for proceedings to the examination of the affair, whether, in particular, the Parties should be invited to present written pleadings, and in what order and with what time-limits such pleadings must be presented, as well as the time and the place where the agents and counsel will, should occasion arise, be heard.

Article 5

If the Commission establishes that the Parties are in disagreement on the question of fact, it may proceed, either at their request or ex officio, to the consultation of experts, to investigations on the spot, or to interrogation of witnesses. In such case, the provisions of Part III of the Hague Convention of 18 October 1907 on the Pacific Settlement of International Disputes are applicable, except for article 35 which requires the Commission to set forth in a report the facts resulting from the investigation.

Article 6

If the Commission fails to achieve general agreement, it can decide by majority vote, without being obliged to indicate the number of votes.

Sec. 3. Conclusion of the Commission's Work

Article 7

At the conclusion of its examination, the Commission will attempt to define the terms of a settlement susceptible of being accepted by the Parties. In this connexion, it may proceed to an exchange of views with the agents of the Parties, who may be heard either together or separately.

Once decided upon, the terms of the proposed settlement will be communicated by the President to the agents of the Parties with a request to inform him within a stated period whether or not the governments accept the proposed settlement. The President of the Commission may accompany his communication with a statement, either orally, or in writing, of the principal reasons which, in the opinion of the Commission, appear likely to persuade the Parties to accept the settlement. He will refrain in this statement from setting forth definitive conclusions with reference to disputed facts or from formally deciding questions of law involved, unless the Commission has been requested to do so by the Parties.

Article 8

If the Parties accept the proposed settlement, a procès-verbal will be drawn up setting forth its terms and will be signed by the President and by the secretary. A copy signed by the President and the secretary will be handed to each Party.

Article 9

If any of the Parties do not accept the settlement and the Commission decides that no purpose will be served by attempting to reach an agreement between the Parties on the terms of a different settlement, a procès-verbal will be drawn up as provided above, stating, without setting forth the terms of the proposed settlement, that the Parties were unable to accept the conciliation proposal.

Sec. 4. Secrecy of the ProceedingsArticle 10

The meetings of the Commission will be secret; the members of the Commission and the agents will refrain from divulging any documents or oral statements, as well as any communiqué relating to the progress of the proceedings which has not received the approval of both agents.

Should any indiscretion occur while the proceedings are pending, the Commission shall have power to determine its possible effect on the continuation of the proceedings.

Article 11

No declaration or communication of the agents or members of the Commission made with regard to the merits of the affair will be entered in the procès-verbaux of the meetings except with the permission of the agent or member of the Commission making it. On the other hand, written or oral reports of experts, the reports of investigations on the spot and depositions of witnesses will be annexed to the procès-verbaux of the meetings, unless, in a particular case, the Commission decides otherwise.

Article 12

Certified copies of the procès-verbaux of the meetings and copies of the annexes will be delivered to the agents through the secretary of the Commission unless, in a particular case, the Commission decides otherwise.

Article 13

Except for evidential material which may be derived from reports of experts, investigations on the spot or interrogations of witnesses, of which the agents will have received the procès-verbaux, the obligation to respect the secrecy of the proceedings and deliberations continues for the Parties as well as for the members of the Commission after the closure of the proceedings and even includes the terms of settlement in case the Commission has succeeded in its task of conciliation, unless, by common agreement, the Parties authorize a total or partial publication of the documents. When the Commission has completed its task, the Parties will consider whether or not to authorize the total or partial publication of the documents. The Commission may address recommendations to them on the subject.

Article 14

At the termination of the proceedings, the President of the Commission will deposit the documents in the archives of a government or of an international organization chosen by the Parties; the Secretariat of the Permanent Court of Arbitration appears to be particularly well qualified for this purpose. The depositary authority will preserve the secrecy of the archives within the limits indicated above.

Sec. 5. Expenses

Article 15

Expenses connected with the conciliation procedure, including expenses occasioned by investigations which the Commission shall have judged it useful to institute, will be borne in equal shares by the Parties.

Text adopted by a vote of 54 to 0, with 7 abstentions.

(11 September 1961.)"

(Annuaire de l'Institut de Droit International, 1961, Tome II, pp. 385-391)

(Summary of discussion, ibid., pp. 193-271; Draft resolution, rapport, Resolutions and annexed documents - ibid., 1959, Tome I, pp. 5-127.)

Compulsory Jurisdiction of International Courts and Tribunals

"The Institute of International Law,

Have examined the present situation as regards the compulsory jurisdiction of international courts and arbitral tribunals;

Convinced that the maintenance of justice by submission to law through acceptance of recourse to international courts and arbitral tribunals is an essential complement to the renunciation of recourse to force in international relations;

Considering that more general acceptance of compulsory jurisdiction would be an important contribution to respect for law and noting with concern that at present time the development of such jurisdiction lags seriously behind the needs of a satisfactory administration of international justice;

Recognizing the importance of confidence as a factor in the wider acceptance of international jurisdiction;

Considering it essential that Article 36, paragraph 2, of the Statute of the International Court of Justice should remain an effective means for securing progressive more general acceptance of the compulsory jurisdiction of the Court;

Recalling the Resolutions concerning the principle of compulsory jurisdiction adopted by the Institute in 1877, 1904, 1921, 1936, 1937, 1954, 1956 and 1957, and enumerated in the Annex to the present Resolution, and in particular the voeu concerning the reservation in respect of matters of domestic jurisdiction adopted at Aix-en-Provence in 1954 and the Resolution concerning a model clause conferring compulsory jurisdiction on the International Court of Justice for inclusion in conventions adopted at Granada in 1956;

Adopts the following Resolutions:

1. In an international community the members of which have renounced recourse to force and undertaken by the Charter of the United Nations to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, recourse to the International Court of Justice or to another international court or arbitral tribunal constitutes a normal method of settlement of legal disputes as defined in Article 36, paragraph 2, of the Statute of the International Court of Justice.

Consequently, recourse to the International Court of Justice or to another international court or arbitral tribunal can never be regarded as an unfriendly act towards the respondent State.

2. It is of the highest importance that engagements to accept the jurisdiction of the International Court of Justice undertaken by States should be effective in character and should not be illusory. In particular, States which accept the compulsory jurisdiction of the Court in virtue of Article 36, paragraph 2, of the Statute should do so in precise terms which respect the right of the Court to settle any dispute concerning its own jurisdiction in accordance with the Statute and do not permit States to elude their submission to international jurisdiction.

It is highly desirable that States having excluded from their acceptance of the compulsory jurisdiction of the International Court of Justice in virtue of Article 36, paragraph 2, of the Statute of the Court matters which are essentially within their domestic jurisdiction as determined by their own government, or having made similar reservations, should withdraw such reservations having regard to the judgements given and opinions expressed in the Norwegian Loans and Interhandel Cases and to the risk to which they expose themselves that other States may invoke such reservations against them.

3. In order to maintain the effectiveness of the engagements undertaken, it is highly desirable that declarations accepting the jurisdiction of the International Court of Justice in virtue of Article 36, paragraph 2, of the Statute of the Court should be valid for a period which, in principle, should not be less than five years. Such declarations should also provide that on the expiration of each such period they will, unless notice of denunciation is given not less than twelve months before the expiration of the current period, be tacitly renewed for a new period of not less than five years.

4. With a view to ensuring the effective application of general conventions, it is important to maintain and develop the practice of inserting in such conventions a clause, binding on all parties, which makes it possible to submit disputes relating to the interpretation or application of the convention either to the International Court of Justice by unilateral application or to another international court or arbitral tribunal; this clause might be based on the provisions of the Resolution concerning a model clause conferring compulsory jurisdiction on the International Court of Justice for inclusion in conventions adopted by the Institute in 1956.

5. In the interest of the world economic development it is desirable that economic and financial agreements concerning development schemes, whether concluded between States or concluded with States by international organizations or international public corporations, should contain a clause conferring on the International Court of Justice (so far as the Statute of the Court allows) or on another appropriate international court or arbitral tribunal compulsory jurisdiction in any dispute relating to their interpretation or application.

6. Without prejudice to the possibility of international remedies being made available directly to private parties certain economic and financial agreements between States could usefully contain a general provision for compulsory jurisdiction in respect of claims brought by one of the States concerned (either acting on its own behalf or espousing a claim on behalf of one of its nationals) against one of the other States concerned.

Voeu

The Institute of International Law

Draws the attention of institutions responsible for legal education, of professional bodies of jurists and legal practitioners, and of all those engaged in the publication of judicial decisions to the need for strengthening the

confidence of peoples and governments in international adjudication by promoting wider and more thorough knowledge of the working and decisions of the International Court of Justice and other international courts and arbitral tribunals; and

Expresses the hope that public and private bodies, both national and international, will consider what measures should be taken to promote wider diffusion of the decisions of international courts and tribunals among jurists and legal practitioners.

(11 September 1959.)

ANNEX

1. Resolutions and Voeu of the Institute on the Principle of Compulsory Jurisdiction

1. Resolution on the comprise clause to be inserted in treaties (12 September 1877, Zürich Session)
Tableau général 1/ No. 45, p. 145; Annuaire 2 (1878), p. 160
2. Resolution on recourse to the Permanent Court of Arbitration (26 September 1904, Edinburgh Session Tableau général No. 46a, pp. 145, 146; Annuaire 20 (1904), p. 210.
3. Resolution on signature of the optional clause of the Permanent Court of International Justice (6 October 1921, Rome Session)
Tableau général No. 52, pp. 159, 160; Annuaire 28 (1921) pp. 201, 202.
4. Resolution on the extension of compulsory arbitration (14 October 1929, New York Session)
Tableau général No. 46b, pp. 146, 147; Annuaire 35 (1929), II, pp. 303, 304.
5. Resolution on the jurisdictional clause in conventions of international unions, notably those relating to industrial property and literary and artistic property (24 April 1936, Brussels Session)
Tableau général No. 58, pp. 273-276; Annuaire 39 (1936), II, pp. 305-310.
6. Resolution on the legal nature of advisory opinions of the Permanent Court of International Justice and on their value and significance in international law (3 September 1937, Luxembourg Session)
Tableau général No. 55, pp. 162, 163; Annuaire 40 (1937), pp. 272, 273.
7. Voeu concerning the reservation in respect of matters of domestic jurisdiction (29 April 1954, Aix-en-Provence Session)
Tableau général No. 2b, p. 4; Annuaire 45 (1954), II, p. 293.

1/ Tableau général des Résolutions (1873-1956), Bâle, 1957.

8. Resolution concerning a model clause conferring compulsory jurisdiction on the International Court of Justice for inclusion in conventions (17 April 1956, Granada Session)
Tableau général No. 53, pp. 160, 161. Annuaire 46 (1956), pp. 360-362.
9. Resolution on judicial redress against decisions of international organizations (25 September 1957, Amsterdam Session)
Annuaire 47 (1957), II, pp. 476-479

2. Voeu concerning the Reservation in Respect of Matters of Domestic Jurisdiction

(29 April 1954; Aix-en-Provence Session)

The Institute of International Law expresses the hope that States which include in their declarations accepting the compulsory jurisdiction of the International Court of Justice a reservation in respect of matters of domestic jurisdiction will leave it to the Court to decide in each particular case whether the reservation is applicable.

3. Resolution concerning a Model Clause Conferring Compulsory Jurisdiction on the International Court of Justice for Inclusion in Conventions

(17 April 1956; Granada Session)

I

The Institute of International Law recommends that governments and international organizations should, when drafting multilateral or bilateral international conventions, include therein a clause conferring compulsory jurisdiction on the International Court of Justice in any dispute relating to the interpretation or application of the convention.

II

This clause might be in the following terms:

"Any dispute relating to the interpretation or application of this convention shall be subject to the compulsory jurisdiction of the International Court of Justice, which may be seized of the matter by unilateral application by any party to the dispute."

III

If the convention provides for a special procedure for the examination of the question relating to its interpretation or application, it would be appropriate to add to the provision establishing such a procedure a clause in the following terms:

"Any dispute relating to the interpretation or application of this convention which has not been settled by means of the procedure provided for (in the preceding article or in article X, as the case may be) shall be subject to the compulsory jurisdiction of the International Court of Justice which may be seized of the matter by unilateral application by any party to the dispute."

IV

1. If the convention contains a provision for the settlement by arbitration of disputes relating to its interpretation or application, it is desirable that this provision should be supplemented by a clause in the following terms:

"If the arbitration provided for in article X has not resulted in a decision settling the dispute relating to interpretation or application of this convention, any party to the dispute may submit it by unilateral application to the International Court of Justice."

2. If the convention contains a provision for the submission to a procedure of conciliation of dispute relating to its interpretation or application, the jurisdictional clause set forth in paragraph 1 should be supplemented by a clause indicating under what conditions and after what period of time failure of conciliation procedure entitles any party to the dispute to submit it to the International Court of Justice.

V

If it is desired to include in a convention granting compulsory jurisdiction to the Court a provision making any judgment relating to the interpretation of the convention given by the International Court of Justice binding on all parties to the convention, such a provision might be in the following terms:

"The High Contracting Parties agree that if one or more States submit to the Court an application for the interpretation of a provision of this convention the decision given by the Court shall be binding upon all the parties to the Convention, whether or not they have exercised the right of intervention accorded to them by the Statute of the Court."

American Branch of the International Law Association, Proceedings and Committee Reports, 1961-1962, presented at the Fiftieth Conference of the International Law Association.

.....

"(2) Disputes between states shall, if not settled by negotiation, be referred to third parties for mediation, conciliation or arbitration, or to the International Court of Justice or other international tribunal for decision in accordance with international law.

"(3) International interchange of cultural accomplishment, of peoples and of ideas shall be encouraged and permitted without censorship, unless the interchange be designed by one or more of the parties to foment civil strife in the receiving state. In case of dispute, a state believing itself threatened may submit the matter to the United Nations, the International Court of Justice or impartial arbitrators for determination."

(Proceedings and Committee Reports of the American Branch of the IIA, 1961-62, pp. 72-77)

5. Travaux préparatoiresUNCIO DocumentsReport of Rapporteur of Subcommittee I/1/A to Committee I/1

.....

Paragraph 3

.....

"The paragraph states that 'All members ... shall settle their disputes by peaceful means'. Therefore, one nation will not be permitted to solve its dispute by force and to fight in order to impose its own solution to a controversy. The paragraph establishes the principle of peaceful solution versus coercive solution. In that same order of ideas, parties to a dispute shall be encouraged to settle disputes themselves by peaceful means. Disputes are to be settled, too, in such a way that 'international peace and security are not endangered'; therefore, that no conditions would be created by which members at dispute endanger the peace of others.

Going further, not to the text of paragraph 3 itself, but to its relation to other parts of the Chapter, it is clear that the Organization should intervene ex officio to settle disputes whenever they are not made by peaceful means or may endanger peace. The Organization and the members are bound to abide by this principle.

If, however, a dispute of a nature that does not endanger peace arises, there will be nothing in this article to prejudice the rights and duties of members to bring that dispute before the Organization, in the manner provided for by the Charter.

It has been said in subcommittee that paragraph 2 is sufficient to offer adequate protection against settlements of the Ethiopian, Munich and Albania type because such settlements, being unjust, create the condition leading to hostilities.

It was said, too, that we need go no further to establish justice as an end in the solution of disputes, because justice is very vague and difficult to ascertain.

This is not, however, the sense of the Ethiopian and Bolivian amendments as you see them stated. Ethiopia, speaking probably out of its bitter experience, likes to see that disputes should be settled by peaceful means on the basis of justice, treaties, and international law."

(The United Nations Conference on International Organization, San Francisco, 1945, Selected documents, Department of State, Washington, pp. 484-485)

Report of Rapporteur of Committee I/1 to Commission I

.....

"The Bolivian amendment to add 'justice' to that paragraph was carried.

As it stood at first, the paragraph implied the following: A State would not be permitted to settle its dispute by force or to exert coercion and fight in order to impose its own solution to a controversy. The paragraph thus establishes clearly the principle of peaceful solution versus coercive solution. In that same order of ideas, parties to a controversy shall be encouraged to settle it themselves by peaceful means.

Controversies are to be settled likewise in such a way that international peace and security are not endangered. Therefore, no condition should be created by which parties endanger the peace of others.

The Committee felt, in the light of past experience of some unjust adjustments or settlements, that it is not sufficient to assure that peace and security are not endangered. It added 'justice'.

Going further, not to the text of paragraph 3 itself, but to its relation with other parts of the Charter, it is clear that the paragraph provides the conditions governing the ex officio intervention of the Organization in the settlement of disputes. The Organization and its members are bound to abide by this principle.

If, however, a dispute of a minor nature arises, there would be nothing in this paragraph to prejudice the right or duty of members to bring their dispute before the Organization, in the manner provided for by the Charter.

(The United Nations Conference on International Organization, San Francisco, 1945, Selected documents, Department of State, Washington, pp. 497-498)

Article 2(3): Subject Analysis

DISPUTES' OBLIGATION TO SETTLE BY PEACEFUL MEANS

Amendments on 30 Prop vol. 3: Bolivia 582;
Sponsors 623
Committee I/1 discussion
15 May mtg 8 vol. 6, p. 311
4 June mtg 11 vol. 6: Bolivia 333;
Ethiopia 334; Greece 333
Committee IV/1 discussion
1 June mtg 17 Union of South Africa vol. 13, p. 249
Commission I discussion
15 June mtg 2 vol. 6, p. 80
Plenary discussion
16 June Final mtg USSR vol. I, p. 665, 696

JUSTICE, SETTLEMENT OF DISPUTES IN CONFORMITY WITH

Committee I/1 discussion
9 May mtg 3 vol. 6, p. 282
15 May mtg 6 vol. 6, p. 296
11 June mtg 15 Panama vol. 6, p. 422
Commission I discussion
14 June mtg 1 vol. 6: Egypt 23-4;
Panama 26-9; UK 25; USA 29-30;
Uruguay 32-3
Plenary discussion
26 June Final mtg China vol. 1, p. 660, 692

SITUATIONS, PEACEFUL SETTLEMENT OF

Committee I/1 discussion
1 June mtg 9 vol. 6, p. 317, 319
Commission I discussion
14 June mtg 1 vol. 6, p. 21-2, 34

(United Nations Conference on International Organization,
Vol. 21, General index, p. 25)

C. The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

1. International treaties and declarations

Convention relating to Duties and Rights of States in the Event of Civil Strife between the American Republics, Havana, 20 February 1928

Article 1: "The Contracting States bind themselves to observe the following rules with regard to civil strife in another of them:

1. To use all means at their disposal to prevent the inhabitants of their territory, nationals or aliens, from participating in, gathering elements, crossing the boundary or sailing from their territory for the purpose of starting or promoting civil strife.
2. To disarm and intern every rebel force crossing the boundaries, the expenses of internment to be borne by the State where public order may have been disturbed. The arms found in the hands of the rebels may be seized and withdrawn by the Government of the country granting asylum, to be returned, once the struggle has ended, to the State in civil strife.
3. To forbid the traffic in arms and war material, except when intended for the Government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.
4. To prevent that within their jurisdiction there be equipped, armed or adapted for warlike purposes any vessel intended to operate in favour of the rebellion."

(Hudson: International Legislation, Vol. IV, pp. 2418-19; see also United Nations Doc. A/CN.4/2, p. 210)

USSR-United States, exchange of Communications between the President of the United States and the President of the All Union Central Executive Committee, 16 November 1933

"... coincident with the establishment of diplomatic relations between our two Governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

/...

2. To refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group - and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group - which makes claim to be the government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group - and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group - which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.

I am glad to have received the assurance expressed in your note to me of this date that it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

/Here follow, ipsissimis verbis, the four hundred paragraphs of Mr. Litvinoff's letter preceding./

It will be the fixed policy of the Executive of the United States within the limits of the powers conferred by the Constitution and the laws of the United States to adhere reciprocally to the engagements above expressed."

(AJIL, Vol. 28, 1934. Official Documents - p. 3-4)

USSR - France: Treaty of non-aggression, Paris, 29 November 1933

.....

"Article V

Each of the high contracting parties undertake to respect in all relations the sovereignty or dominion of the other party over all its territories as defined in Article I of the present treaty, in no way to interfere in its internal affairs, and in particular, to refrain from any action inclining toward incitement or encouragement of any kind of agitation, propaganda or attempts at intervention which would have the aim of violating the territorial integrity of the other party or of changing by force the political or social structure of all or part of its territory.

Each of the high contracting parties bind itself in particular not to form, nor support, nor subsidize, nor permit on its territory either any military organizations whose purpose is armed struggle against the other party, nor organizations taking upon themselves the rôle of government or of representatives of all or part of the territory of the other."

(AJIL, Vol. 27, 1933, Suppl., p. 175; translation reprinted from the Soviet Union Review, Vol. XI, No. 1 (January 1933))

Convention on Rights and Duties of States, Montevideo, 26 December 1933

Article 8: "No State has the right to intervene in the internal or external affairs of another."

(The International Conferences of American States, First Suppl., 1933-1940, p. 122)

Additional Protocol relative to Non-intervention, Buenos Aires 1936
(not entered into force)

Article I: "The High Contracting Parties declare inadmissible the intervention of of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties.

The violation of the provision of this Article shall give rise to mutual consultation, with the object of exchanging views and seeking methods of peaceful adjustment."

(Hudson: International Legislation, Vol. VI, pp. 626-29)

Convention for the Prevention and Punishment of Terrorism, Geneva, 16 November 1937
... (not entered into force)

"...

Article I:-1. The High Contracting Parties, reaffirming the principle of international law in virtue of which it is the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State and to prevent the acts in which such activities take shape, undertake as hereinafter provided to prevent and punish activities of this nature and to collaborate for this purpose.

2. In the present Convention, the expression 'acts of terrorism' means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.

Article 2: Each of the High Contracting Parties shall, if this has not already been done, make the following acts committed on his own territory criminal offences if they are directed against another High Contracting Party and if they constitute acts of terrorism within the meaning of Article I:

(I) Any wilful act causing death or grievous bodily harm or loss of liberty to:

(a) Heads of States, persons exercising the prerogatives of the Head of the State, their hereditary or designated successors;

(b) The wives or husbands of the above-mentioned persons;

(c) Persons charged with public functions or holding public positions when the act is directed against them in their public capacity.

(2) Wilful destruction of, or damage to, public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party.

(3) Any wilful act calculated to endanger the lives of members of the public.

(4) Any attempt to commit an offence falling within the foregoing provisions of the present article.

(5) The manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever of an offence falling within the present article.

/...

Article 3: Each of the High Contracting Parties shall make the following acts criminal offences when they are committed on his own territory with a view to an act of terrorism falling within Article 2 and directed against another High Contracting Party, whatever the country in which the act of terrorism is to be carried out:

- (1) Conspiracy to commit any such act;
- (2) Any incitement to any such act, if successful;
- (3) Direct public incitement to any act mentioned under heads (I), (2) or (3) of Article (2), whether the incitement be successful or not;
- (4) Wilful participation in any such act;
- (5) Assistance, knowingly given, towards the commission of any such act.

...

Article 12: Each High Contracting Party shall take on his own territory and within the limits of his own law and administrative organization the measures which he considers appropriate for the effective prevention of all activities contrary to the purpose of the present Convention.

...

Article 18: The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of the limits of criminal jurisdiction as a question of international law."

...

(League of Nations, Doc. C.546(I).M.383(I).1937.V.
Hudson: International Legislation, Vol. VII,
pp. 862, 863, 865, 866, 869, 872)

Declaration of American Principles, Lima, 24 December 1938

"The Governments of the American Republics resolve:

To proclaim, support and recommend, once again, the following principles, as essential to the achievement of the aforesaid objectives:

1. The intervention of any State in the internal or external affairs of another is inadmissible.

...

...

4. Relations between States should be governed by the precepts of international law".

(The International Conferences of American States,
First Suppl., 1933-1940, Washington 1940, p. 309)

Czechoslovakia - Soviet Union, Treaty on Friendship, Mutual Assistance and Post-war Collaboration, 12 December 1943

...

Article IV

The high contracting parties, considering the interests of security of each of them, agree to maintain close and friendly collaboration in the period after the re-establishment of peace and to act in conformity with the principles of mutual respect for their independence and sovereignty, as well as for non-intervention in internal affairs of the other State. ...

(AJIL, Vol. 39, 1945, Suppl. p. 82)

Inter-American Conference on War and Peace (Act of Chapultepec, 3 March 1945)

...

5. The American States have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

(B) The condemnation of intervention by a State in the internal or external affairs of another. (Seventh International Conference of American States, 1933, and Inter-American Conference for the Maintenance of Peace, 1936.)

/...

Part I

Declaration: ...

Second. That every State has the right to the respect of its individuality and independence, on the part of the other members of the international community."

(AJIL, Vol. 39, 1945, Suppl. 1, pp. 108-110)

Pact of the League of Arab States, Cairo, 22 March 1945

Article 8: "Each member State of the League shall respect the form of government established in the other member States and regard them as exclusive concerns of those States. Each shall pledge to abstain from any action calculated to change established systems of government."

(UNTS, Vol. 70, p. 237)

Constitution of the United Nations Educational, Scientific and Cultural Organization, 1945

...

"Article I. Purposes and Functions ...

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction."...

(UNTS, Vol. 4, p. 278)

Inter-American Treaty of Reciprocal Assistance (Rio de Janeiro, 2 September 1947)

Preamble: "... The High Contracting Parties reaffirm their adherence ... especially to those principles set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System.

Article 6: "If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression, or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent".

(Annals of the Organization of American States, 1949, Vol.1, No. 1, pp. 87-88)

Charter of the Organization of American States, Bogota, 30 April 1948

Article 7: "Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law".

Article 8: "The fundamental rights of States may not be impaired in any manner whatsoever".

Article 15: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements".

Article 16: "No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind".

Article 17: "The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."

(Annals of the Organization of American States, Vol. I, No.1, 1949, pp. 77-78)

American Treaty on Pacific Settlement (Pact of Bogotá), 30 April 1948

Article V: "The aforesaid procedures may not be applied to matters which, by their nature, are within the domestic jurisdiction of the State. If the parties are not in agreement as to whether the controversy concerns a matter of domestic jurisdiction, this preliminary question shall be submitted to decision by the International Court of Justice, at the request of any of the parties".

(Annals of the Organization of American States, Vol. I, No.1, 1949, p. 88)

Declaration of Caracas, 28 March 1954

"The Tenth Inter-American Conference ...

Reiterates:

Recognition of the inalienable right of each American State to choose freely its own institutions in the effective exercise of representative democracy, as a means of preserving its political sovereignty, achieving its economic independence, and living its own social and cultural life, without intervention on the part of any State or group of States, either directly or indirectly, in its domestic or external affairs, and, particularly, without the intrusion of any form of totalitarianism; ...

(AJIL, Vol. 48, 1954, Suppl. 1, pp. 124-25)

Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between Tibet Region of China and India, 29 April 1954

"The Government of the Republic of India and the Central People's Government of the People's Republic of China,

Being desirous of promoting trade and cultural intercourse between Tibet Region of China and India and of facilitating pilgrimage and travel by the peoples of China and India,

Have resolved to enter into the present Agreement based on the following principles:

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful coexistence,

And for this purpose ..."

(UNTS, Vol. 299, p. 70)

/...

(Declarations on the above principles of peaceful coexistence were made also by Afghanistan, Albania, Belgium, Bulgaria, Burma, Cambodia, Czechoslovakia, Democratic Republic of Germany, Denmark, Finland, Democratic Republic of Viet-Nam, Hungary, Laos, Liberia, Poland, Romania, Saudi Arabia, Sweden, Syria, USSR, Yugoslavia, etc.)

Pact of Mutual Co-operation (Baghdad Pact), 24 February 1955

Article 3: "The High Contracting Parties undertake to refrain from any interference whatsoever in each other's internal affairs. They will settle any dispute between themselves in a peaceful way in accordance with the United Nations Charter".

(British Treaty Series, No. 39 (1956),
Cmd. 9859; AJIL, Vol. 51, 1957, p. 503)

Bandung Conference - Declaration on World Peace and Co-operation, 24 April 1955

"... nations should practice tolerance, live together in peace with one another as good neighbours, and develop friendly co-operation on the basis of the following principles:

...

...

(4) Abstention from intervention or interference in the internal affairs of other countries.

...

...

(6) Abstention from the use of arrangements of collective defence to serve the particular interests of any of the big Powers; and abstention by any country from exerting pressure on other countries. ..."

(Keesings Contemporary Archives,
May 7-14, 1955, p. 14184)

Treaty of Friendship, Co-operation, and Mutual Assistance, (Warsaw Treaty),
14 May 1955

Article 8: "The Contracting Parties declare that they will act in a spirit of friendship and co-operation to promote the further development and strengthening of the economic and cultural ties among them, in accordance with the principles of respect for each other's independence and sovereignty and of non-intervention in each other's domestic affairs."

(UNTS, Vol. 219, p. 24)

/...

European Convention for the Peaceful Settlement of Disputes, Strasbourg,
29 April 1957

...

Article 27: "The provision of this Convention shall not apply to:

...

b/ disputes concerning questions which by international law are solely within the domestic jurisdiction of States."

(UNTS, Vol. 320, p. 256)

Vienna Convention on Diplomatic Relations, 18 April 1961

Article 41: "1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State."

(United Nations Doc. A/CONF.20/13 and
Corr.1)

(An identical provision is contained in the Vienna Convention on
Consular Relations, 1963, Article 55, para. 1; Doc. A/CONF.25/12)

Declaration of the Heads of State or Government of non-aligned countries (Belgrade
Declaration), 6 September 1961

II

"The present-day world is characterized by the existence of different social systems. The participating countries do not consider that these differences constitute an insurmountable obstacle for the stabilization of peace, provided attempts at domination and interference in the internal development of other peoples and nations are ruled out.

"All peoples and nations have to solve the problems of their own political, economic, social and cultural systems in accordance with their own conditions, needs and potentialities. ...

/...

"The participating countries consider that under such conditions the principles of peaceful coexistence are the only alternative to the 'cold war' and to a possible general nuclear catastrophe. Therefore, these principles - which include the right of peoples to self-determination, to independence and to the free determination of the forms and methods of economic, social and cultural development - must be the only basis of all international relations. ...

"Aware that ideological differences are necessarily a part of the growth of the human society, the participating countries consider that peoples and Governments shall refrain from any use of ideologies for the purpose of waging cold war, exercising pressure, or imposing their will. ..."

"III/ 2. The participants in the Conference demand that an immediate stop be put to armed action and repressive measures of any kind directed against dependent peoples to enable them to exercise peacefully and freely their right to complete independence and that the integrity of their national territory should be respected. Any aid given by any country to a colonial power in such suppression is contrary to the Charter of the United Nations. ..."

"14. The participating countries express their determination that no intimidation, interference or intervention should be brought to bear in the exercise of the right of self-determination of peoples, including their right to pursue constructive and independent policies for the attainment and preservation of their sovereignty." ...

(Journal of the Belgrade Conference,
No. 5, 5 September 1961, pp. 20-22)

Organization of American States, Eighth Meeting of Consultation of Ministers of Foreign Affairs, Punta del Este, 31 January 1962

III

Reiteration of the Principles of Non-intervention and Self-Determination

"Whereas:

...

It is necessary to maintain the principles of non-intervention and self-determination set forth in the charter of the Organization of American States, because these principles are a basic part of the juridical system that governs relations among the republics of the hemisphere and makes friendly relations among them possible;

...

/...

Resolves:

1. To reiterate its adherence to the principles of self-determination and non-intervention as guiding standards of coexistence among the American Nations."

...

(AJIL, Vol. 56, 1962, pp. 607-608)

Organization of African Unity, Addis Ababa, 26 May 1963

B. Purposes

Article II: The organization shall have the following purposes:

...

3. To defend their sovereignty, territorial integrity and independence.
4. To eradicate all forms of colonialism from the continent of Africa.
5. To promote international co-operation, with due regard for the United Nations Charter and the Universal Declaration of Human Rights.

...

C. Principles

Article III: The Member States, in pursuit of the purposes stated in Article I, solemnly affirm and declare their adherence to the following principles:

...

2. Non-interference in the internal affairs of States.
 3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
- ...
5. Unreserved condemnation of political assassination in all its forms as well as of subversive activities on the part of neighbouring States or any other States.

...

(International Legal Materials - The American Soc. of Int. Law - Vol. II, No. 4, July 1963, pp. 767-68; see also Congressional Record - House, 29 May 1963, p. 9299)

/...

2. Decisions of international tribunals

Nationality Decrees in Tunis and Morocco, F.C.I.J., Series B, No. 4, pp. 23-24, 25 (Hambro, E.: Case Law of International Court, I, Leyden 1952, pp. 53-89; Bishop: International Law, 1962, pp. 621-624).

Asylum Case, I.C.J. Reports 1950, p. 285 (Hambro, op. cit., I, pp. 273-75).

Nottebohm Case (second phase), I.C.J. Reports 1955, pp. 20-21 (Hambro, op. cit., Vol. II, Leyden 1960, p. 193).

Case of certain Norwegian Loans, I.C.J. Reports 1957, pp. 23-24 (Hambro, op. cit., II, p. 193).

Case concerning Right of Passage over Indian Territory (preliminary objections), I.C.J. Reports 1957, pp. 149-150 (Hambro, op. cit., II, pp. 265-67).

Case of the Monetary Gold removed from Rome in 1943 (preliminary questions), I.C.J. Reports 1954, p. 32 (Hambro, op. cit., II, p. 207).

Aaland Island Case, Council of the League of Nations, 1920 (Fenwick, C.G.: Cases on International Law, 1951, pp. 48-49).

Interpretation of Article 15, paragraph 8, of the Covenant of the League of Nations, by the Permanent Court of International Justice:

"The words 'solely within the domestic jurisdiction' seem rather to contemplate certain matters, which, though they may very closely concern the interests of more than one State, are not, in principle, regulated by international law. As regards such matters, each State is sole judge. The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends upon the development of international relations ... it may well happen that, in a matter which ... is not, in principle, regulated by international law, the right of a State to use its discretion is nevertheless restricted by obligations which it may have undertaken towards other States. In such a case, jurisdiction, which, in principle, belongs solely to the State, is limited by rules of international law. Article 15, paragraph 8, then ceases to apply as regards those States which are entitled to invoke such rules ...".

(Publications of the Court, Series B,
Advisory Opinion No. 4, p. 24)

The Corfu Channel Case

" ... this was the ground on which the United Kingdom Government chose to establish its main line of defence. According to that Government, the corpora delicti must be secured as quickly as possible, for fear they should be taken away, without leaving traces, by the authors of the minelaying or by the Albanian authorities. This justification took two distinct forms in the United Kingdom Government's arguments. It was presented first as a new and special application of the theory of intervention, by means of which the State intervening would secure possession of evidence in the territory of another State, in order to submit it to an international tribunal and thus facilitate its task.

"The Court cannot accept such a line of defence. The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the present defects in international organization, find a place in international law. Intervention is perhaps still less admissible in the particular form it would take here; for, from the nature of things, it would be reserved for the most powerful States, and might easily lead to perverting the administration of international justice itself.

"The United Kingdom Agent, in his speech in reply, has further classified 'Operation Retail' among methods of self-protection or self-help. The Court cannot accept this defence either. Between independent States, respect for territorial sovereignty is an essential foundation of international relations. The Court recognizes that the Albanian Government's complete failure to carry out its duties after the explosions, and the dilatory nature of its diplomatic notes, are extenuating circumstances for the action of the United Kingdom Government. But to ensure respect for international law, of which it is the organ, the Court must declare that the action of the British Navy constituted a violation of Albanian sovereignty."

(The Corfu Channel Case (Merits), Judgement of
9 April 1949, Reports of Judgements, Advisory
Opinions and Orders - International Court of Justice
pp. 34-35.)

3. United Nations resolutions and practice

(a) Resolutions

290 (IV). Essentials of peace

"The General Assembly,

.....

Calls upon every nation

.....

3. To refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State; ..."

(Official Records of the Fourth Session of the General Assembly, Resolutions, 1949, p. 13).

380 (V). Peace through deeds

"The General Assembly,

.....

Condemning the intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force,

1. Solemnly reaffirms that, whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world; ..."

(General Assembly Official Records: Fifth Session, Suppl. No. 20, (A/1775) p. 13).

1236 (XII). Peaceful and neighbourly relations among States

"The General Assembly,

.....

Realizing the need to promote these objectives and to develop peaceful and tolerant relations among States, in conformity with the Charter, based on mutual

/...

respect and benefit, non-aggression, respect for each other's sovereignty, equality and territorial integrity and non-intervention in one another's internal affairs, and to fulfil the purposes and principles of the Charter, ..."

(Official Records of the General Assembly, Twelfth Session, Suppl. 18, (A/3805), p. 5).

1237 (ES-III). Questions considered by the Security Council at its 838th meeting on 7 August 1958

"The General Assembly,

.....

2. Calls upon all States Members of the United Nations to act strictly in accordance with the principles of mutual respect for each other's territorial integrity and sovereignty, of non-aggression, of strict non-interference in each other's internal affairs, and of equal and mutual benefit, and to ensure that their conduct by word and deed conforms to these principles;"

(General Assembly Official Records, Third Emergency Session, Suppl. No. 1 (A/3905), p. 1).

(b) Practice

Repertory of Practice of United Nations Organs:

ARTICLE 2 (7)

.....

"Analytical Summary of Practice

	Volume I paragraphs	Suppl. No. 1 Volume I paragraphs
A. The term 'to intervene' appearing in Article 2 (7)	340-384	120-132
1. Whether inclusion of an item in the agenda constitutes intervention	346-357	121-124
2. Whether a recommendation - in general or to a particular State - constitutes intervention . .	358-362	125-132
3. Whether a request for a stay of execution constitutes intervention	363-370	
4. Whether the establishment by the General Assembly of a commission to study the racial situation prevailing in a Member State constitutes intervention	371-374	
5. Whether the examination of the domestic policy of a Member State by a commission of investigation established under Article 34 constitutes intervention	375-378	

6. Whether a resolution by which the Security Council tenders his good offices to parties to a dispute or calls upon them to cease hostilities and to settle the dispute by peaceful means constitutes intervention	379-384	
B. The expression in Article 2 (7): 'Matters essentially within the domestic jurisdiction of any State'	385-441	133-171
1. Whether a matter governed by international law can fall essentially within the domestic jurisdiction	391-397	137-140
2. Whether a matter governed by international agreement can fall essentially within domestic jurisdiction	398-406	141-144
3. Whether a matter dealt with by the Charter can fall essentially within domestic jurisdiction	407-441	145-171
(a) Article 2 (7) and the Charter provisions on human rights	412-421	145-151
(b) Article 2 (7) and the Charter provisions regarding Non-Self-Governing Territories	422-426	152-157
(c) Article 2 (7) and the Charter provisions on the self-determination of peoples	427-432	158-167
(d) Article 2 (7) and the Charter provisions on the maintenance of international peace	433-441	168-171
C. The last phrase of Article 2 (7): 'but this principle shall not prejudice the application of enforcement measures under Chapter VII'	442-450	
D. Procedure by which Article 2 (7) was invoked	451-471"	172-175

(United Nations, Repertory of Practice of United Nations Organs, Table of Contents and Subject Index to Volumes I-V, New York, 1957; Supplement No. 1, Vol. I, New York 1958)

Repertoire of the Practice of the Security Council

	Repertoire 1946-51 p.	Suppl. 1952-55 p.	Suppl. 1956-58 p.
Consideration of the provision of Article 2 (7) of the Charter	453	157	181

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English
Page 168

For summary of cases considered by the United Nations Organs see L.B. Sohn, Cases on United Nations Law, New York 1956, p. 527 ff., L.B. Sohn, Cases and Materials on World Law, New York 1950, pp. 137, 296, 688, 745.

(Repertoire of the Practice of the Security Council,
1946-1951, New York 1954; 1952-1955, New York 1957;
1956-1958, New York 1959)

/...

4. Decisions and proposals of other bodies

American Institute of International Law (1916)

Declaration of the Rights and Duties of Nations

.....

"II. Every nation has the right to independence in the sense that, it has a right to the pursuit of happiness and is free to develop itself without interference or control from other States, provided that in so doing it does not interfere with or violate the rights of other States.

.....

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

Text from J.B. Scott, The American Law Institute: Its Declaration of the Rights and Duties of Nations, Washington, 1916, pp. 87-88.

(Preparatory Study concerning a Draft Declaration on the Rights and Duties of States, United Nations - General Assembly, Doc. A/CN.4/2, 15 December 1948, United Nations Publications, Sales No.: 1949.V.4, pages 156-157)

American Institute of International Law (1925)

Project No. 8, Fundamental Rights of American Nations

.....

3. No nation shall hereafter, for any reason whatsoever, directly or indirectly, occupy even temporarily any portion of the territory of an American Republic in order to exercise sovereignty therein, even with the consent of the said Republic.

4. No nation has a right to interfere in the internal or foreign affairs of an American Republic against the will of that Republic. The sole lawful intervention is friendly and conciliatory action without any character or coercion."

/...

Text from Union Interparlementaire. Compte Rendu de la XXVème Conference tenue à Berlin du 23 au 28 août 1928. Publié par le Bureau Interparlementaire (Lausanne etc. 1928), pp. 525-527.

(Preparatory Study concerning a Draft Declaration on the Rights and Duties of States, United Nations - General Assembly, Doc. A/CN.4/2, 15 December 1948, United Nations Publications, Sales No.: 1949.V.4, page 159)

Inter-American Juridical Committee (1942)

Reaffirmation of Fundamental Principles of International Law

Project of Resolution submitted to the Governments, Members of the Pan-American Union

.....

"The American Republics resolve to reaffirm in the most solemn manner the following principles which they believe to be fundamental in the relations of States and essential to the maintenance of peace and justice in international relations, and declare:

.....

II. Respect by each State for the personality, sovereignty and independence of every other State constitutes the basis of international order, just as in the relations of individuals mutual respect constitutes the essence of democracy.

Hence no State may intervene in the internal or external affairs of another.

The policy of the 'Good Neighbour' is an expression of this respect for the fundamental rights of States."

(AJIL, 1943, vol. 27, pp. 21-24)

(United Nations, Preparatory Study concerning a Draft Declaration on the Rights and Duties of States, Doc. A/CN.4/2 of 15 December 1948, United Nations Publications, Sales No.: 1949.V.4, pp. 144-145)

"Hudson Committee": International Law of the Future (1944)

Postulates, Principles and Proposals

.....

"Principle 3. Each State has a legal duty to refrain from intervention in the internal affairs of any other State.

Principle 4. Each State has a legal duty to prevent the organization within its territory of activities calculated to foment civil strife in the territory of any other State."

(AJIL, vol. 38, Suppl., 1944, pp. 76-79)

(Preparatory Study concerning a Draft Declaration on the Rights and Duties of States, United Nations - General Assembly, Doc. A/CN.4/2, 15 December 1948, UN Publications, Sales No.: 1949.V.4, page 161)

Pan-American Union, Governing Board (1946)

Draft Declaration of the Rights and Duties of American States

.....

"II. The rights which each State enjoys in accordance with international law must be respected and protected by all other States, since right and duty are correlative and each State has the duty to respect the right of all the other States.

.....

VIII. Intervention by any one or more States, directly or indirectly, and for whatever reason in the internal or external affairs of another State is inadmissible.

IX. The territory of a State is inviolable and may not be the object of military occupation or of other measures of force taken by another State directly or indirectly for whatever motive, even temporarily. No territorial acquisitions or special advantages obtained by force or other means of coercion shall be recognized."

(Pan-American Union, Governing Board, Committee on the Organization of the Inter-American System, Draft Declaration of the Rights and Duties of American States. Formulated in accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, and submitted to the Governments of the American Republics by the Governing Board of the Pan-American Union (Washington, 1946))

/...

(Preparatory Study concerning a Draft Declaration on the Rights and Duties of States, United Nations - General Assembly, Doc. A/CN.4/2 of 15 December 1948, UN Publications, Sales No.: 1949.V.4, page 147)

International Law Commission

Draft Declaration on Rights and Duties of States, 1949

Article 3: "Every State has the duty to refrain from intervention in the internal or external affairs of any other State."

Article 4: "Every State has the duty to refrain from fomenting civil strife in the territory of another State, and to prevent the organization within its territory of activities calculated to foment such civil strife."

(Report of the ILC covering its first session, 1949, A/925.

Annex to General Assembly resolution 375 (IV))

International Law Commission

Draft Code of Offences against the Peace and Security of Mankind, 1951

Article 2: "The following acts are offences against the peace and security of mankind:

...

...

(4) The incursion into the territory of a State from the territory of another State by armed bands acting for a political purpose.

(5) The undertaking or encouragement by the authorities of a State of activities calculated to foment civil strife in another State, or the toleration by the authorities of a State of organized activities calculated to foment civil strife in another State.

(6) The undertaking or encouragement by the authorities of a State of terrorist activities in another State, or the toleration by the authorities of a State of organized activities calculated to carry out terrorist acts in another State. ..."

(Report of the ILC covering the work of its third session, Doc. A/1858, Suppl. No. 9, p. 12, with commentary.

For comments received from Governments see Doc. A/2162 and Add.1, Report by the Secretary-General in Doc. A/2211.)

/...

Institute of International Law, resolution, 1954The determination of the "reserved domain" and its effects

"The Institute of International Law,

Resuming its study of the problem previously discussed in 1932 at its session at Oslo;

Observing, however, that since that time new questions have arisen which in themselves require a solution, adopts the following resolutions:

Article 1

The 'reserved domain' is the domain of State activities where the jurisdiction of the State is not bound by International Law.

The extent of this domain depends on International Law and varies according to its development.

Article 2

The expression 'matters which are essentially within the domestic jurisdiction of States' has been used in order to delimit, in relation to the 'reserved domain', the competence of certain international organizations as determined by the constituent instrument of each of these organizations.

Article 3

The conclusion of an international agreement regarding a matter pertaining to the 'reserved domain' precludes a party to the agreement from raising the plea of domestic jurisdiction in respect of any question relating to the interpretation or application of the agreement.

Article 4

The question whether, in a concrete case, the matter in dispute falls or does not fall within the 'reserved domain' is, in the event of controversy, eminently appropriate for decision by an international organ of a jurisdictional character.

Article 5

Any international organization may, within the limits of its competence, prepare international conventions relating to the 'reserved domain' or make recommendations of a general character addressed to Member States or non-members as a whole.

Article 6

When a matter falling within the 'reserved domain' gives rise to a dispute, other States and international organizations may facilitate attempts to bring about an amicable agreement.

Voeu

The Institute of International Law expresses the hope that States which include in their declarations accepting the compulsory jurisdiction of the International Court of Justice a reservation in respect of matters of domestic jurisdiction will leave it to the Court to decide in each particular case whether the reservation is applicable."

[29 April 1954]

(Annuaire de l'Institut de Droit International, 1954, pp. 299-300. Draft resolution, amendments to it and summary of discussion - ibid., pp. 108-199. See also Annuaire ... 1950, vol. I, pp. 5-41; 1952, vol. I, pp. 137-180.)

Organization of American States. 1959

Instrument relating to Violations of the Principle of Non-intervention

"The Fifth Meeting of Consultation of Ministers of Foreign Affairs approved Resolution VII, which reads:

WHEREAS:

The strict observance, by the American republics, of the contractual obligations not to intervene in the internal or external affairs of other states will contribute to the more effective achievement of an order of peace and justice, in the pursuit of which the American states established their regional organization; and

To facilitate such observance, it would be advisable to set forth in precise terms the substance of the principle of non-intervention by defining cases that constitute violation of the aforesaid principle and to study the possibility of establishing adequate procedures to prevent violations of this fundamental rule of American international law,

The Fifth Meeting of Consultation of Ministers of Foreign Affairs

RESOLVES:

1. To recommend to the Council of the Organization of American States that it have prepared, by the agency deemed most appropriate:

- a. A draft instrument listing the greatest possible number of cases that constitute violations of the principle of non-intervention; and
- b. A report on the possibility of establishing adequate procedures to ensure, without constituting intervention in the internal or external affairs of states, strict observance of the principle of non-intervention.

2. The aforesaid draft and report shall be transmitted by the Council of the Organization to the governments of the member states for their information and for any observations they may wish to make and shall be included on the Agenda of the Eleventh Inter-American Conference.

On September 20, 1959, the Council of the Organization requested the Inter-American Juridical Committee to hold a special meeting for the purpose of carrying out the work referred to in Resolution VII, quoted above. ..."

"... the Inter-American Juridical Committee resolves: ... to present to the Eleventh Inter-American Conference, in fulfilment of the mandate given to it, the following draft instrument on violations of the principle of non-intervention:

.....

"The following, in addition to other acts that may possibly be characterized as intervention, shall be considered as violations of the principle of non-intervention on the part of any state:

- a. Any form of interference or attempted threat against the personality of a state or against its political, economic, social, and cultural elements;
- b. The use of encouragement of the use of coercive measures of an economic or political nature in order to impose the sovereign will of another state and obtain advantages of any kind;
- c. The permitting of traffic in arms and war material that it is suspected are intended for the purpose of starting, promoting, or aiding civil strife in an American state;
- d. The provision, by any method, of government-manufactured or owned arms to persons or to entities other than the states, when it is suspected that such arms are intended for the purposes set forth in the preceding section;
- e. Permitting, in the areas subject to its jurisdiction, any person, national or alien, to participate in the preparation, organization, or carrying out of a military enterprise that has as its purpose the starting, promoting, or supporting of rebellion or sedition in an American state, even though its government is not recognized. The aforesaid participation includes among other acts:

/...

(1) The contributing, supplying, or providing of arms and war material;

(2) The equipment, training, collecting, or transporting of members of a military expedition;

(3) The provision or receipt of money, by any method, intended for the military enterprise;

f. Acts by which a state directly opposes the establishment in another state of a specific form or type of government;

g. Acts of duress that constitute a direct effort to impose upon another country a particular organization or government and also any subsequent acts designed to maintain the imposed situation;

h. Action that endeavors to compel a state to admit the interference or activities of another state in its administration of justice or in any other sphere lying exclusively within its competence;

i. Acts by which it is attempted to impose or there is imposed upon a state the recognition of a privileged status for aliens beyond the rights, remedies, and guarantees granted to its nationals under local law;

j. The use of duress to obtain territorial agreement or special advantages of any kind;

k. The recognition of territorial acquisitions or special advantages obtained by duress of any kind; and

l. The abusive use of recognition of governments in contravention of the norms established by international law as a means of obtaining unjustified advantages."

(Pan-American Union, Doc. CIJ-51,
Washington, D.C., 1959, pp. 1-2, 16-17.)

(Commentary to the above principles ibid., pp. 2-11
Dissenting statement of Dr. James Oliver Murdock,
United States Member of the Inter-American
Juridical Committee, ibid., pp. 19-29.

Conclusions with regard to the procedure to prevent
and check violations of the principle of
non-intervention, ibid., Chapter III, pp. 12-15.)

Soviet branch of the International Law Association

Declaration of Principles of Peaceful Coexistence, Draft, Moscow, 1962, presented
at the Fiftieth Conference of the International Law Association.

.....

"(4) Relations between all states shall be developed on the basis of respect for the sovereignty and territorial integrity of states, for the right of peoples and nations to self-determination. ...

/...

(5) No state has the right to interfere in the internal affairs of any other state. The recognition of the right of every people to settle all questions concerning its own country by itself is an immutable law of international relations."

(Declaration of Principles of Peaceful Coexistence,
Draft, Soviet Association of International Law,
Moscow 1962.)

5. Travaux préparatoires

UNCIO documents

Report of Rapporteur of Subcommittee I/1/A to Committee I/1

.....

"Paragraph 8

..... changing the place of that proposal from Chapter VIII, Section A, to Chapter II on Principles made in a general principle and hence widened the scope of its application. The change of place in this case involved a change in the portée of the text.

On the basis of that decision and without impairing it, the Subcommittee voted agreement that the principle of domestic jurisdiction be included in Chapter II and started to discuss it as amended by the sponsoring Governments, together with the relevant amendments of various delegations.

For your information, I would like to state that four important questions were, more than others, the subject of discussion:

- (1) the extension of the scope of the principle by changing its place to Chapter II;
- (2) to establish international law as a criterion for the distinction between domestic and international concern;
- (3) to keep the word "solely" as appeared in the original text, or to substitute for it the word "essentially" as appears in the amendment of the sponsoring Governments;
- (4) which organ can decide whether a given matter falls within the scope domestic jurisdiction or not.

The Subcommittee, however, took account of the fact that the Committee had not had the opportunity of taking cognizance of the amendments proposed to Chapter VIII, Section A, of the original Dumbarton Oaks text. The Subcommittee therefore hesitated to take a formal vote on the text presented by the sponsoring Governments and preferred to place before the full Committee a recommendation in principle that the Committee should give consideration to the sponsoring Governments' text of Chapter II, 7, amended to read as follows:

7. Nothing contained in this Charter shall authorize the Organization to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under this Charter; but this principle shall not prejudice the application of Chapter VIII, Section B."

(The United Nations Conference of International Organization, San Francisco, 1945, Selected documents, Department of State, Washington, pp. 487, 488) /...

Supplement to the Report of Rapporteur of Committee I/1 to Commission I

.....

"The Committee, in its meetings on June 13 and 14, considered paragraph 8 again and decided to recommend its present text 1/ to the Commission.

A few observations may now be duly made to accompany the present text:

It is evident that the subject we are dealing with is not the intervention of one State in matters which fall within the domestic jurisdiction of another, but that we are dealing with the relations of the Organization and its members with respect to domestic and international jurisdiction.

The Organization we are developing is assuming, under the present Charter, functions wider in their scope than those previously assumed by the League of Nations or other international bodies and even wider than those which were first contemplated at Dumbarton Oaks, especially in the economic, social, and cultural fields. The tendency to provide the United Nations with a broad jurisdiction is, therefore, relevant and founded. The necessity, on the other hand, to make sure that the United Nations under prevalent world conditions should not go beyond acceptable limits or exceed due limitation called for principle 8 as an instrument to determine the scope of the attributes of the Organization and to regulate its functioning in matters at issue.

Conceived under that tendency and the corresponding necessity, paragraph 8 is not, therefore, very rigidly construed. But it is, however, clear and explicit enough to establish a rule of general application and then to allow an exception. The rule comes in the first part of the paragraph up to the semicolon. The exception is stated in the latter part after the semicolon.

Both the rule and the exception can be looked upon as being really implicit in any organization which is genuinely international in character. But it would be appropriate, rather, necessary, to put into the Charter a definite text which dispels apprehension with regard to the rule as well as to the exception. That being the case you find them both stated negatively in the text.

Stated positively the paragraph means: (1) that each State has entire liberty of action in matters which are essentially within its domestic jurisdiction; (2) that the Organization may intervene in such matters provided they fall definitely within the purview of enforcement measures provided for under Section B of Chapter VIII.

Part 1 of our paragraph brought with it to the Committee a series of questions and consequently some notions relevant to these questions, three of which might be mentioned in this report:

1/ Text of Article 8 of Chapter II, as approved by Committee I/1

- (1) whether international law, given what it actually is, should be explicitly established as the criterion of differentiation between international and domestic jurisdiction, or whether it is preferable to leave out such an explicit mention of international law;
- (2) which organ or organs should be empowered to decide whether a given matter lies in the domestic or international fields;
- (3) whether it is more appropriate to use the word 'essentially' as it stands in the text before you, or to go back to the terminology of the original Dumbarton Oaks Proposals, and thus replace 'essentially' by 'solely'.

Other questions and suggestions were also made.

The Committee finally preferred to keep that part of the paragraph as it came in the amendments of the four sponsoring governments presented on May 4. The motions submitted to amend that part of the text in the Committee failed to secure the requisite majority.

Part 2 of the paragraph calls for more explanation.

The exception it states to the above-mentioned rule can only be understood when read with Section B of Chapter VIII to which it refers.

We all know that the Chapter, by the action of the Conference, passed through two phases. The first phase was that of the Dumbarton Oaks Proposals (Dec. 1, G/1). The second is the one in which it now stands and in which it stood when Committee I of Commission I took its decision (Dec. 10/19, I/1/42, June 16, 1945).

Section B, as it now stands, authorizes two distinct processes (1) that of making recommendations and (2) that of enforcement action.

The question consequently arose as to whether paragraph 3 as it stood in the amendments of the four sponsoring powers of May 4 (Dec. 2, G/29, May 5, 1945) should authorize the Security Council to make such recommendations as now provided for in Section B of Chapter VIII. The Committee, by its decision, answers that question negatively.

The Committee went further to consider the question as to whether the Security Council can intervene in the matters under consideration, to take enforcement action (preventive and coercive) to maintain peace or restore it. That question was answered positively.

The Committee was clear that the Security Council should not, under this principle, take measures which exceed those essential for enforcement action.

The Committee, therefore recommends the present text."

(The United Nations Conference on International Organization, San Francisco, 1945, Selected Documents, Department of State, Washington, pp. 501, 502).

/...

Article 2(7): Subject Analysis

CALVO DOCTRINE

Committee I/1 discussion

13 June mtg 16 Argentina vol.6 p.496

CONSTITUTIONAL SYSTEMS

Comments and amendments on DO Prop vol.3: Mexico 137; Uruguay 35

DOMESTIC JURISDICTION, PRINCIPLE OF

Aliens versus nationals under

Comments and amendments on DO Prop vol.3: Mexico 69-74

Customs and tariffs laws and

Steering Committee discussion

17 June mtg 7 USSR vol.5 page 265

Executive Committee discussion

17 June mtg 9 vol.5: Australia 523-5; USSR 522-3

Petermination of

Comments and amendments on DO Prop vol.3: Brazil 233,241,246;
Czechoslovakia 468; Ecuador 415,416,436; Greece 533; Mexico 186;
Norway 360; Peru 597; Turkey 483; Venezuela 210,225

Committee of Jurists discussion

12 April mtg 6 Czechoslovakia vol.14 p.150

Plenary discussion

28 April mtg 4 Greece vol.1 p.290

Committee I/1 discussion

17 May mtg 8 vol.6 p.311

12 June statement by Norway vol.6 p.430

13 June mtg 16 vol.6: Greece 495; Uruguay 496

14 June mtg 17 vol.6: Australia 437,511; Belgium 510-11;

Czechoslovakia 510; Greece 509; USA 508-9; Uruguay 496

Committee II/3 discussion

22 May mtg 10 India vol.10 p.59

Committee IV/1 discussion

28 May mtg 14 Peru vol.13 p.225-6

Commission I discussion

19 June mtg 3 vol.6: Belgium 111-2; Peru 111; Uruguay 109-10

Economic and social matters and

Amendment on DO Prop Liberia vol.3: p.464

Committee II/3 discussion

21 May mtg 9 USA vol.10 p.52

22 May mtg 10 vol.10: Australia 58; India 59; Peru 59; USSR 59;
USA 57-8; Venezuela 59

24 May mtg 11 vol.10 p.83; Australia, France, UK, USA

30 May mtg 15 vol.10: Belgium 139; USA 140

1 June Memo. of Venezuela vol.10 p.65

DOMESTIC JURISDICTION, PRINCIPLE OF (continued)

Effect on Charter of

Committee I/1 discussion

13 June mtg 16 Uruguay vol.6 p.496

14 June mtg 17 vol.6: Belgium 510; USA 508

Commission I discussion

19 June mtg 3 Belgium vol.6 p.111-2

Plenary discussion

25 June mtg 9 Belgium vol.1 p.615

Exceptions to

"essentially within"

Committee I/1 discussion

12 June statement by Norway vol.6 p.431

13 June mtg 16 Peru vol.6 p.495

14 June statement by Australia vol.6 p.436

14 June mtg 17 vol.6: Australia 511-2; Belgium 510; USA 508

Commission I discussion

19 June mtg 3 vol.6 p.108 Uruguay 109-10

Exclusively within

Committee I/1 discussion

14 June mtg 17 Australia 511-2; Belgium 510

Commission I discussion

19 June mtg 3 Uruguay vol.6 p.109

Solely within

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14 June mtg 12 vol.12 p.106 Rapporteur of III/2/P

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13 June mtg 16 vol.6 p.494; France 498; Mexico 495; UK 498

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Committee I/1 discussion

12 June Statement of Norway vol.6 p.430

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14 June Statement of Australia vol.6 p.437-8

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Committee I/1 discussion

12 June Statement of Norway vol.6 p.431-2

13 June mtg 16 vol.6: Norway 498; Peru 494; Uruguay 496

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12 June Statement of Norway vol.6

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Committee I/1 discussion

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Committee I/1 discussion

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13 June mtg 16 vol.6: Argentina 496;
Australia 499; China 497; Greece 495;
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18 June mtg 8 Australia vol.5 p.272

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19 June mtg 3 vol.6 Belgium 111;

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12 June Statement of Norway vol.6

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Maintenance of International Peace and Security

Committee I/1 discussion

13 June mtg 16 France vol.6 p.498

Preventive measures

Committee I/1 discussion

13 June mtg 16 vol.6 p.497 Belgium,
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DOMESTIC JURISDICTION, PRINCIPLE OF (continued)

Recommendations

Committee I/1 discussion

12 June Statement of Norway vol.6
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Sponsoring governments' amendment

Committee I/1 discussion

17 May mtg 8 vol.6 p.310-11

13 June mtg 16 vol.6: UK 498; USA 499

14 June mtg 17 vol.6: Australia 512;
USA 507-8

Trusteeship system and

Committee II/4 discussion

12 May mtg 3 France vol.10 p.433

14 May mtg 4 UK vol.10 p.440

20 June mtg 16 vol.10: France 602,622;
UK 602

DRAGO DOCTRINE

Committee I/1 discussion

13 June mtg 16 Argentina vol.6 p.496

D. The principle of sovereign equality of States

1. International treaties and declarations

Convention on Rights and Duties of States, Montevideo, 26 December 1933

Article 4: "States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure their exercise, but upon the simple fact of its existence as a person under international law".

Article 5: "The fundamental rights of states are not susceptible of being affected in any manner whatsoever".

(The International Conferences of American States,
First Suppl., 1933-1940, Washington 1940, p. 122)

Atlantic Charter, 14 August 1941

.....

"Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;"

.....

"Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity."

(United States Executive Agreement Series 236, p. 4)

The Moscow Conference, Declaration of Four Nations on General Security,
1 November 1943

The Governments of the United States of America, the United Kingdom, the Soviet Union and China

jointly declare:

.....

4. That they recognise the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."

(A Decade of American Foreign Policy, Basic documents,
1941-49, Washington 1950, p. 12)

/...

Inter-American Conference on War and Peace (Act of Chapultepec), 5 March 1945.

....
....

"5. The American states have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

....

(G) The recognition that respect for the personality, sovereignty and independence of each American state constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force. (Ninth International Conference of American States, 1936)

Part I

Declaration:

First. That all sovereign States are juridically equal amongst themselves."

(AJIL, Vol. 39, 1945, Suppl., pp. 108-110)

Charter of the Organization of American States, Bogotá, 30 April 1948

Article 5, para (1) "International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfilment of obligations derived from treaties and other sources of international law."

Article 6 "States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law."

(Annals of the Organization of American States,
Vol. I, No.1, 1949, pp. 76-77)

Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between Tibet Region of China and India, Peking, 1954

"The Government of the Republic of India and the Central People's Government of the People's Republic of China,

/...

Have resolved to enter into the present Agreement based on the following principles:

- (1) mutual respect for each other's territorial integrity and sovereignty,
- (2) mutual non-aggression,
- (3) mutual non-interference in each other's internal affairs,
- (4) equality and mutual benefit, and
- (5) peaceful co-existence,

And for this purpose"

(UNTS, Vol. 299, p. 70)

(Declaration on the above principles of peaceful coexistence were made also by Afghanistan, Albania, Belgium, Bulgaria, Burma, Cambodia, Czechoslovakia, Democratic Republic of Germany, Denmark, Finland, Democratic Republic of Viet-Nam, Hungary, Laos, Liberia, Poland, Romania, Saudi Arabia, Sweden, Syria, USSR, Yugoslavia, etc.)

Pacific Charter, Manila, 8 September 1954

"The delegates of Australia, France, New Zealand, Pakistan, the Republic of the Philippines, the Kingdom of Thailand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

....

Do hereby proclaim:

First, in accordance with the provisions of the United Nations Charter, they uphold the principle of equal rights and self-determination of peoples and they will earnestly strive by every peaceful means to promote self-government and secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities;"

(UNTS, Vol. 209, p. 24)

Southeast Asia Collective Defense Treaty, Manila, 8 September 1954

"The Parties to this Treaty,

Recognizing the sovereign equality of all the Parties,"

(UNTS, Vol. 209, p. 28)

/...

Bandung Conference - Declaration on World Peace and Co-operation, 24 April 1955

".... nations should practise tolerance, live together in peace with one another as good neighbours, and develop friendly co-operation on the basis of the following principles:

....

- (2) Respect for the sovereignty and territorial integrity of all nations.
- (3) Recognition of the equality of all races and nations, large and small"

(Keesing's Contemporary Archives, 7-14 May, 1955,
p. 14184).

Note by the Secretariat:

(A ten point declaration recapitulating the principles adopted at the Bandung Conference and declaring that these principles "should remain the basis of international relations" was adopted by the non-Governmental Afro-Asian Solidarity Conference held in Cairo from 26 December 1957 to 1 January, 1958.

The loyalty to the Declaration of Afro-Asian Conference held in Bandung was also proclaimed and reaffirmed by the Accra Conference of independent African States held 15-22 April 1958, and by some other international conferences.

Treaty concerning the relations between the Union of Soviet Socialist Republics and the German Democratic Republic, Moscow, 20 September 1955.

"The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the President of the German Democratic Republic,

Desirous of promoting close co-operation and further strengthening the friendly relations between the Union of Soviet Socialist Republics and the German Democratic Republic on a basis of equality, respect for each other's sovereignty and non-intervention in each other's domestic affairs,

....

Have agreed as follows:

Article 1

The Contracting Parties solemnly reaffirm that the relations between them are based on full equality, respect for each other's sovereignty and non-intervention in each other's domestic affairs."

(UNTS, Vol. 226, pp. 201-213)

/...

Charter of the Council for Mutual Economic Assistance, Sofia, 14 December 1959

Article 1: Aims and Principles.

....

(2) The Council for Mutual Economic Assistance shall be based on the principle of the sovereign equality of all the member countries of the Council.

The economic and scientific-technical co-operation of the member countries shall be accomplished in accordance with the principles of complete equality of rights, respect for sovereignty and national interests, mutual benefit, and comradely mutual aid."

(UNTS, Vol. 368, p. 266; Russian text published in Vedomosti Verkhovnogo Sovieta Soyuz SSSR, (Gazette of the Supreme Soviet USSR), XXIII, No.15, 1960, 999)

Declaration of the Heads of State of Government of non-aligned countries (Belgrade Declaration), 6 September 1961

II

....

"The participants in the Conference emphasize, that the policy of co-existence amounts to an active effort towards the elimination of historical injustices and the liquidation of national oppression, guaranteeing, at the same time, to every people their independent development

III

"1. The participants in the Conference solemnly reaffirm their support to the 'Declaration on the Granting of Independence to Colonial Countries and Peoples', adopted at the 15th Session of the General Assembly of the United Nations and recommend the immediate unconditional, total and final abolition of colonialism and resolved to make a concerted effort to put an end to all types of new colonialism and imperialist domination in all its forms and manifestations.

"2. The participants in the Conference demand that an immediate stop be put to armed action and repressive measures of any kind directed against dependent peoples to enable them to exercise peacefully and freely their right to complete independence and that the integrity of their national territory should be respected. Any aid given by any country to a colonial power in such suppression is contrary to the Charter of the United Nations.

"5. The participants in the Conference demand the immediate termination of all colonial occupation and the restoration of the territorial integrity to the

/...

rightful people in countries in which it has been violated in Asia, Africa and Latin America as well as the withdrawal of foreign forces from their national soil.

"11. The participating countries consider the establishment and maintenance of foreign military bases in the territories of other countries, particularly against their express will, a gross violation of the sovereignty of such States.

....

"15. The participants in the Conference reaffirm their conviction that:

(a) All nations have the rights of unity, self-determination, and independence by virtue of which right they can determine their political status and freely pursue their economic, social and cultural development without intimidation or hindrance.

(b) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operations, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

....

(Journal of the Belgrade Conference, No. 5,
5 September 1961, pp. 20-22)

Organization of African Unity, Addis Ababa, 26 May 1963

B. Purposes

Article II: The organization shall have the following purposes:

....

3. To defend their sovereignty, territorial integrity and independence.

4. To eradicate all forms of colonialism from the continent of Africa.

5. To promote international co-operation, with due regard for the United Nations Charter and the Universal Declaration of Human Rights.

....

/...

C. Principles

Article III: The member States, in pursuit of the purposes stated in Article I, solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all African States.

....

3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.

....

6. Absolute dedication to the total emancipation of the African territories which are still dependent.

7. Affirmation of the policy of non-alignment with regard to all blocs.

(International Legal Materials - Am. Soc. of Int.
Law - Vol. II, No. 4, July 1963, pp. 767-68;
see also Congressional Record - House, 29 May 1963,
p. 9299)

2. Decisions of international tribunals

Wimbledon Case, P.C.I.J., Series A, No.1, pp. 24-25 (Hambro, E.: The Case Law of International Court, Vol. I, Leyden, 1952, pp. 83, 119).

Reservations to Genocide Convention, I.C.J. Reports, 1951, p. 24.

I.L.O and Conditions of Labour in Agriculture, P.C.I.J., Series B, Nos.2 and 3, p. 23 (Hambro, op. cit., I, p. 53).

Territorial Jurisdiction of the International Commission of the River Oder, P.C.I.J., Series A, No.23, p. 26 (Hambro, op. cit., I, p. 53).

Lighthouses in Crete and Samos, P.C.I.J., Series A/B, No.71, pp. 104-105 (Hambro, op. cit., I, pp. 137, 87).

Fisheries Case, I.C.J. Reports, 1951, pp. 131-132, 142-43 (Hambro, op. cit., I, pp. 105, 107, 113).

The Diversion of Water from the Meuse, P.C.I.J., Series A/B, No.70, p. 18 (Hambro, op. cit., I, p. 121).

Corfu Channel (Merits), I.C.J. Reports, 1949, p. 31 (Hambro, op. cit., I, p. 131).

Asylum Case, I.C.J. Reports, 1950, pp. 274-275 (Hambro, op. cit., I, p. 269)

The Minquiers and Ecrehos Case, I.C.J. Reports, 1953, pp. 52-53, 57-60, 63-71 (Hambro, op. cit., Vol. II, Leyden, 1960, pp. 83-99).

The Island of Palmas Case, Perm. Court of Arbitration, 1928, No. XIX (2.H.C.R., p. 83; 2 R.I.I.A., p. 829; Green, L.C.: International Law through Cases, 2nd ed., New York 1959, pp. 349 ff.).

Nationality Decrees in Tunis and Morocco, P.C.I.J., 1923, Series B, No.4 (Green, op. cit., pp. 76-81).

Status of Eastern Carelia, P.C.I.J., 1923, Series B, No.5 (Green, op. cit., pp. 81-83).

The North Atlantic Coast Fisheries, Perm. Court of Arbitration, 1910 (Scott: The Hague Court Reports, Vol. 1, pp. 141, 156).

Eastern Greenland Case, P.C.I.J., 1933, Ser.A/B, 53, pp. 45-46.

Minority Schools in Albania, P.C.I.J., Series A/B, No. 64, p. 19 (Hambro, op. cit., I, p. 267).

3. United Nations resolutions and practice

(a) Resolutions

1004 (ES-II). Situation in Hungary

"The General Assembly,

Considering that the United Nations is based on the principle of the sovereign equality of all its Members,"

(General Assembly Official Records, Second
Emergency Special Session, Suppl. No.1
(A/3355), p. 2)

1348 (XIII). Question of the peaceful use of
outer space

"The General Assembly,

Bearing in mind the provision of Article 2, paragraph 1, of the Charter of the United Nations, which states that the Organization is based on the principle of the sovereign equality of all its Members,"

(General Assembly Official Records, Thirteenth
Session, Suppl. No.18, (A/4090), p. 5)

1514 (XV). Declaration on the granting of independence to
colonial countries and peoples

"The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Aware of the increasing conflicts resulting from the denial of our impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

...

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

...

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of the world peace and co-operation.

2. All peoples have the right to self determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

/...

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinctions as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

(General Assembly, Official Records: Fifteenth Session, Suppl. No. 16 (A/4684), pp. 66-67)

1803 (XVII). Permanent sovereignty over natural resources

"The General Assembly

Recalling its resolutions 523 (VI) of 12 January 1952 and 626 (VII) of 21 December 1952,

...

Bearing in mind its resolution 1515 (XV) of 15 December 1960, in which it recommended that the sovereign right of every State to dispose of its wealth and its natural resources should be respected,

Considering that any measure in this respect must be based on the recognition of the inalienable right of all States freely to dispose of their natural wealth and resources in accordance with their national interests, and on respect for the economic independence of States,

/...

Considering that nothing in paragraph 4 in any way prejudices the position of any Member State on any aspect of the question of the rights and obligations of successor States and Governments in respect of property acquired before the accession to complete sovereignty of countries formerly under colonial rule,

...

Considering that it is desirable to promote international co-operation for the economic development of developing countries, and that economic and financial agreements between the developed and developing countries must be based on the principles of equality and the right of peoples and nations to self-determination,

...

I

Declares that:

1. The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.
2. The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities.
3. In cases where authorization is granted, the capital imported and the earnings on that capital shall be governed by the terms thereof, by the national legislation in force, and by international law. The profits derived must be shared in the proportions freely agreed upon, in each case, between the investors and the recipient State, due care being taken to ensure that there is no impairment, for any reason, of that State's sovereignty over its natural wealth and resources.
4. Nationalization, expropriation or requisitioning shall be based on grounds or reasons of public utility, security or the national interest which are recognized as overriding purely individual or private interests, both domestic and foreign. In such cases the owner shall be paid appropriate compensation, in accordance with the rules in force in the State taking such measures in the exercise of its sovereignty and in accordance with international law. In any case where the question of compensation gives rise to a controversy, the national jurisdiction of the State taking such measures shall be exhausted. However, upon agreement by sovereign States and other parties concerned, settlement of the dispute should be made through arbitration or international adjudication.

/...

5. The free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be furthered by the mutual respect of States based on their sovereign equality.

6. International co-operation for the economic development of developing countries, whether in the form of public or private capital investments, exchange of goods and services, technical assistance, or exchange of scientific information, shall be such as to further their independent national development and shall be based upon respect for their sovereignty over their natural wealth and resources.

7. Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace.

8. Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith; States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and the principles set forth in the present resolution ..."

(General Assembly, Official Records:
Seventeenth Session, Suppl. No. 17
(A/5217), pp. 15-16)

(b) Practice: Repertory of Practice of United Nations organs

"The principle of the sovereign equality of all Members of the United Nations has been a subject of occasional discussions and has been taken into account in decisions concerning rules of procedure; illustrative cases will be found in this Repertory under Article 21. It constituted one of the guiding principles in resolution 291 (IV), entitled "Promotion of the stability of international relations in the Far East". Certain resolutions have linked references to sovereignty and to independence in a way to suggest a connexion between Article 2 (1) and Article 2 (4). Such have been resolutions containing general recommendations concerning non-interference with the sovereign rights and independence of under-developed countries in connexion with rendering technical assistance. An example is provided by resolution 200 (III), concerning technical assistance for economic development (see also General Assembly resolution 304 (IV) approving Economic and Social Council resolution 222 A (IX), which provided (in paragraph 4 (d)) that

'The technical assistance furnished shall (i) not be a means of foreign economic and political interference in the internal affairs of the country concerned and shall not be accompanied by any considerations of a political nature'.

Another example is provided by resolution 626 (VII), concerning the exploitation of natural resources."

(Repertory of Practice of United Nations Organs,
Vol. I, Articles 1-22 of the Charter, New York 1955,
p. 13)

4. Decisions and proposals of other bodies

American Institute of International Law, 1916

Declaration of the Rights and Duties of Nations

"III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, 'to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them'."

(J.B. Scott, The American Law Institute: Its Declaration of the Rights and Duties of Nations, Washington 1916, pp. 78-83)

International Juridical Union, 1919

Draft of a Declaration of Rights and Duties of Nations

.....

"Article III. States are equal before the law.

Equality in law implies equal co-operation in the regulation of the interests of the international community, without necessarily conferring the right of equal participation in the constitution and functioning of the organs established for the administration of these interests.

Every State is limited in its rights by its obligation to respect the rights of other States."

(Séances et Travaux de l'Union Juridique Internationale, 1920, Vol. 2)

American Institute of International Law, 1925

Project No. 8 Fundamental Rights of American Nations

.....

"Article 1. The following principles are declared to constitute American public law and shall be applied and respected in America by all nations:

1. The American Republics, equal before international law, have the rights inherent in complete independence, liberty, and sovereignty. Such rights can in

no way be restricted to the profit of another nation, even with the consent of the interested American Republics."

.....

(AJIL, Vol. 20, 1926, Special Suppl., p. 313)

American Institute of International Law, 1925

Project No. 5, Nations

"Article 2: Nations are legally equal. The rights of each do not depend upon the power at its command to ensure their exercise. Nations enjoy equal rights and equal capacity to exercise them."

(AJIL, Vol. 20, 1926, Special Suppl., p. 309)

International Commission of American Jurists, 1927

/Project II, States: Existence, Equality, Recognition/

.....

Article 2: "States are equal before the law, enjoy equal rights, and have equal capacity to exercise them. The rights of each are dependent not upon the power which it possesses to ensure the exercise of them but solely upon the fact of their existence as a person of international law."

(International Commission of Jurists, Public International Law,
Pan American Union, 1927, p. 8)

Inter-Parliamentary Union, 1928

Declaration of the Rights and Duties of States

.....

3. The members of the community of States are equal before the law. Each of them possesses within that community only those rights conferred on it by the law of nations."

.....

(Union Inter parlementaire. Compte Rendu de la XXVème
Conférence tenue à Berlin du 23 août 1928, Lausanne 1928,
pp. 525-527)

Inter-American Juridical Committee, 1942

Reaffirmation of Fundamental Principles of International Law, Project of Resolution submitted to the Governments, Members of the Pan American Union

.....

"The American Republics resolve to reaffirm in the most solemn manner the following principles which they believe to be fundamental in the relations of States and essential to the maintenance of peace and justice in international relations, and declare:

.....

III. States are juridically equal, in the sense that they have the same fundamental rights.

This equality derives from the existence of the State as a person of international law and not from the power which the individual State may possess to defend or maintain it.

In like manner this juridical equality is independent of the territorial size of the particular State or of the degree of its material progress.

In consequence, no State may be held bound by changes in the rules of law, whether in political or economic matters, to which it has not freely consented."

(AJIL, Vol. 37, 1943, pp. 21-24)

Inter-American Juridical Committee

Report on the Dumbarton Oaks Proposals submitted to the Pan-American Union for Distribution to the American Governments, 1944

.....

Chapter II. Principles: "The Organization is to be based upon the principle of the sovereign equality of all peace-loving states. The phrase 'sovereign equality' would appear to call for clarification. The Juridical Committee, in its Preliminary Recommendation on Post-War Problems, has emphasized that the sovereignty of the state must be understood in a manner consistent with the supreme necessity of maintaining peace, order and justice in the international community. It is fundamental, said the Juridical Committee, that no nation should claim as an attribute of sovereignty the right to be the judge in its own case or the right to take the law into its own hands. The Proposals call upon states to make these concessions of sovereignty; and it is therefore to be assumed that the adjective 'sovereign' is used in this limited sense.

The principle of the equality of states is one which has been insistently maintained by the American States as one of the fundamental principles of their inter-American system. The principle of legal equality calls for the recognition of national character and personality of the separate states. In respect to the fundamental rights associated with the existence of the state and with the exercise of jurisdiction over its territory all states stand upon a footing of equality; and this equality must be maintained as an essential condition of the separate legal personality and corporate character of the members of the international community. On the other hand the relative political importance of their respective roles in international affairs has always been recognized, and it has frequently been reduced to specific terms, as in the case of contributions by quotas to the maintenance of international institutions and agencies.

It would appear that the term 'sovereign equality', as used in the Proposals, was intended to make it clear that the new international organization was not to be a super-state which would destroy the legal personality of its individual members. Many features of the new organization mark a departure from the existing rules of international law, notably the provisions for a vote in the General Assembly by a majority of two-thirds. These provisions might, under certain circumstances, suggest the possibility of encroachment upon the reserved sphere of rights essential to the maintenance of the legal personality of the states. The use of the term 'sovereign equality' in the Proposals is apparently intended as a guarantee that this will not be the case."

(AJIL, Vol. 31, 1945, pp. 57-59)

Pan American Union, Governing Board, 1946

Draft Declaration of the Rights and Duties of American States

"I. States are juridically equal among themselves. They have the same rights and the same obligations. This equality derives from the existence of the State as a person of international law and not from the power which the State may possess to defend or maintain it nor from the territorial size or degree of progress of each State.

XVIII. The American States proclaim the principle of equality of access to the trade and raw materials of the world and to the producer's goods which are needed for their industrial and commercial development. In order to realize these aims, the American States may recognize the duty to co-operate for the prevention or elimination of unjust discriminations; to reduce barriers injurious to international trade; to avoid practices which obstruct international trade and to eliminate the excesses which may result from economic nationalism."

(Pan American Union, Governing Board, Committee on the Organization of the Inter-American System, Washington, 1946)

International Law Commission: Draft Declaration on Rights and Duties of States, 1949

"Article 1: Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government.

Article 2: Every State has the right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law.

.....

Article 5: Every State has the right to equality in law with every other State.

.....

Article 14: Every State has the duty to conduct its relations with other States in accordance with international law and with the principle that the sovereignty of each State is subject to the supremacy of international law."

(Report of the ILC covering its First Session, 1949, A/925,
Annex to General Assembly resolution 375 (IV))

50th Inter-Parliamentary Conference, 1961; The Way to Peace

Declaration on the Principles which should guide States in their Mutual Relations for Eliminating International Tension and Preserving Peace.

"The 50th Inter-Parliamentary Conference,

.....

Considering that the essential principles for the preservation of peace, which must be followed by States in their mutual relations, are contained in the United Nations Charter,

Recalling the 'Draft Declaration on Rights and Duties of States', which was prepared by the International Law Commission and taken note of by the General Assembly of the United Nations in its resolution of December 7, 1951.

Recalling and confirming the Declaration on the Principles of International Morality adopted on September 11, 1948, by the 37th Inter-Parliamentary Conference,

Recalling the resolution adopted at the 44th Inter-Parliamentary Conference at Helsinki concerning peaceful co-existence between all nations, regardless of their economic and social systems and their degree of development, and whether they be great or small, powerful or not,

.....

Considers it necessary to formulate the principles of international behaviour which have, in the light of international experience, after the adoption of the United Nations Charter, proved to be particularly important and essential;

Calls on all representative bodies to redouble their efforts with the aim of eliminating international tension and preserving peace, and to strive for the application in international practice of the principles listed below:

1. For the preservation of peace between nations, it is essential that States respect the basic principles of international relations proclaimed by the United Nations Charter and emanating directly from the text of the Charter.

The disrespect for or the breach of these basic principles of international behaviour is the main cause of present international tension and the danger of war.

Peace and freedom are interdependent. To eliminate international tension, States should, above all, abstain from all pressure and all interference, of whatever nature, exercised against the national sovereignty and territorial integrity of other States, and should respect vigorously the desire of the people, and particularly of the smaller countries, to choose freely the way they consider to be most favourable for safeguarding their security and their independence, and for their social, economic and political development.

.....

4. Countries are bound to apply basic principles of international behaviour, regardless of the differences which exist in their internal socio-political organization. The differences in socio-political structure are not an insurmountable obstacle to international understanding and co-operation. The cold war among nations with different internal organization is neither an inevitable nor a "normal" state of affairs in the world in the present phase of the development of mankind. Its internal organization does not free any State from its duties in its relations with other countries. ...

.....

9. Colonial and all other forms of unequal relations among nations, whether overt or covert, are the main and the most persistent source of international dispute, and consequently of the danger of war. It is therefore necessary to accelerate the procedure for attaining the independence of all still dependent countries and peoples, in the spirit of the United Nations Charter

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and the Declaration of the General Assembly of 14 December 1960 on the granting of independence to colonies and their peoples. Efforts should be made simultaneously for the improvement of relations among nations, so as to lead them to a real and complete equality. In the same spirit, the occurrence of neo-colonialism, namely, the creation of the dependency of under-developed countries by economic means, should be condemned. The use of armed force against those nations seeking to realize their right of self-determination and of free choice of their social, economic and political systems, as guaranteed by the United Nations Charter, should be severely condemned.

Peoples aspire to solidarity, sovereignty, self-determination, and juridical equality, free from any kind of imperialism, colonialism and submission to other peoples.

10. The economic inequality of countries, i.e., the parallel existence of highly developed and under-developed countries, fosters relations of inequality among nations (neo-colonialism) and the use of such relations for cold-war aims. For this reason, the existence of misery, poverty, hunger and high mortality in a number of countries, in this century of far-reaching scientific development, is not only a shame for mankind, but also a source of international tension. An imperative obligation of all developed countries is therefore to help generously those under-developed nations, primarily through the United Nations, and in any case without political conditions. Bearing in mind the same aim, efforts should be made to eliminate all elements of inequality, inherent in the economic policy of developed countries in the field of prices, tariffs, taxes, import and export duties, from international economic relations with a view to ensuring fair economic co-operation, with no discrimination. Aid to countries which have recently liberated themselves from the colonial yoke is an urgent task in this field, a prerequisite for their unhampered economic development.

The highly industrialized countries should eliminate obstacles which prevent peoples in process of development from making economic, political and cultural progress in the fields of science and modern techniques."

(Inter-Parliamentary Bulletin,
41st Year, No. 4, pp. 141-145;
Brussels, 14-22 September 1961)

Soviet branch of the International Law Association, Declaration of Principles of Peaceful Coexistence, Draft, Moscow, 1962, presented at the Fiftieth Conference of the International Law Association

.....

"(3) All States shall develop and strengthen international co-operation in the economic, social and political fields, as well as in the field of science and culture, on the basis of free will, equality, and mutual benefit, without any discrimination for economic, political, ideological, or other reasons.

.....

"(6) All States, regardless of size, and political and economic might, are, to one and the same degree, equal participants in international intercourse. No State may be prevented from participating in the settlement of international problems affecting its interests. States shall be represented in international organizations with consideration for the fact of the existence at present of three large political groupings."

(Declaration of Principles of Peaceful
Coexistence, Draft, Soviet Association
of International Law, Moscow, 1962)

American Branch of the International Law Association (Proceedings and Committee Reports) 1961-1962, presented at the Fiftieth Conference of the International Law Association

.....

"(6) States having the economic capacity to do so shall tender to States with economies in less advanced stages of development economic and technical assistance and capital investment by public or private means as circumstances suggest, and the receiving State shall ensure that aid so tendered and investment so made shall be used for the designated purposes, and afforded the most constant security and protection in accordance with international law and with such terms of treatment and repayment as may have been agreed upon between the receiving State and the foreign public or private source."

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(Proceedings and Committee Reports of the
American Branch of the ILA, 1961-62;
pp. 72-77; see also AJIL, Vol. 57, 1963,
pp. 93-94)

5. Travaux préparatoires

UNCIO documents

Interpretation of the term "sovereign equality" by the United Nations
Conference in San Francisco

(Report of Committee I/1 to Commission I, approved by the Commission and by the Conference in plenary session)

"The Subcommittee voted to keep the terminology 'sovereign equality' on the assumption and understanding that it conveys the following:

1. That States are juridically equal;
2. That each State enjoys the rights inherent in full sovereignty;
3. That the personality of the State is respected, as well as its territorial integrity and political independence;
4. That the State should, under international order, comply faithfully with its international duties and obligations."

(UNCIO, Report of Rapporteur of Committee I to Commission I, Doc. 944, I/1/34(1) Documents, VI, p. 457) and Verbatim Minutes of the Ninth Plenary Session, 25 June 1945, Doc. 1210, P/20, p. 3 (Documents, I, p. 614)

Article 2/1 Subject Analysis

EQUALITY OF STATES

Comments and Amendments on DO Prop

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28 April mtg 3 Iran vol. 1 p. 247

28 April mtg 4 Uruguay vol. 1 p. 299, 304

30 April mtg 5 vol. 1: Colombia 360;

Ecuador 369, 370; Mexico 352-3

1 May mtg 6 vol. 1: Haiti 443;

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1 May mtg 7 Venezuela vol. 1 p. 517

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9 May mtg 3 vol. 6 p. 282

17 May letter from Belgium vol. 6 p. 300

Committee IV/1 discussion

1 June mtg 17 vol. 13: Costa Rica 248;

New Zealand 247

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EQUAL RIGHTS OF LARGE AND SMALL NATIONS

- Committee I/1 discussion
- 5 June mtg 13 vol. 6 p. 366
- Commission I discussion
- 14 June mtg 1 vol. 6 p. 20

FEDERAL UNION

- Committee I/2 discussion
- 17 June mtg 28 USA vol. 7 p. 265

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- 27 April Australia vol. 1 p. 173, 174

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 - Peru 596; Sponsors 623; Venezuela 192
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 - 27 April mtg 2 vol. 1: Australia 173;
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 - 1 May mtg 4 Turkey vol. 1 p. 452
 - 1 May mtg 5 Luxembourg vol. 1 p. 503
 - 2 May mtg 8 Yugoslavia vol. 1 p. 578
 - 26 June Final mtg China vol. 1 p. 660, 692
- Committee I/1 discussion
 - 16 May mtg 7 vol. 6 p. 304
 - 17 May mtg 3 vol. 6 p. 310
 - 4 June mtg 11 vol. 6: Belgium 332;
Norway 334-5; Peru 331-2; Uruguay 332
- Commission I discussion
 - 15 June mtg 2 vol. 6 p. 66-70
- Consequences of
 - Committee II/2 discussion
 - 9 May mtg 3 Turkey vol. 9 p. 274

SOVEREIGNTY

- Amendments on DO Prop Uruguay vol. 3 p. 35
- Plenary discussion
 - 27 April mtg 2 Brazil vol. 1 p. 190-1
 - 28 April mtg 3 Honduras vol. 1 p. 241
 - 2 May mtg 8 Mexico vol. 1 p. 551

SOVEREIGNTY (continued)

Commission I discussion

15 June mtg 2 vol. 6 p. 69, 70; Peru 66-7

Committee I/2 discussion

17 June mtg 28 Denmark vol. 7 p. 265

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28 April mtg 3 Netherlands vol. 1 p. 249

30 April mtg 5 Colombia vol. 1 p. 360

1 May mtg 6 vol. 1: France 437;

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2 May mtg 8 vol. 1: Syria 570;

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12 June Statement by Norway vol. 6 p. 432

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21 May Statement by Argentina

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Plenary discussion

28 April mtg 3 India vol. 1 p. 244

30 April mtg 5 Ecuador vol. 1 p. 369

(United Nations Conference on
International Organization, Documents,
Vol. 21, General index, pp. 22-23)
