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

First Session

SUMMARY RECORD OF THE TWENTY-SIXTH MEETING

Held at Mexico City,  
on Thursday, 17 September 1964, at 5 p.m.

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- I. Consideration of the four principles referred to the Special Committee in accordance with General Assembly resolution 1966 (XVIII) of 16 December 1963, namely:
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter (A/AC.119/L.6, L.7, L.8 and L.23) (continued)

PRESENT:

Chairman:

Mr. GARCIA ROBLES (Mexico)

Rapporteur:

Mr. BLIX Sweden

Members:

Mr. COLOMBO Argentina

Sir Kenneth BAILEY Australia

U SAN MAUNG Burma

Mr. PECHOTA Czechoslovakia

Mr. MONOD France

Mr. DADZIE Ghana

Mr. HERRERA IBARGÜEN Guatemala

Mr. MISHRA India

Mr. GRANATA Italy

Mr. OHTAKA Japan

Mr. FATTAL Lebanon

Mr. RATSIMBAZAFY Madagascar

Mr. CASTAÑEDA Mexico

Mr. van GORKOM Netherlands

Mr. ELIAS Nigeria

Mr. BIERZANEK Poland

Mr. CRISTESCU Romania

Mr. KHLESTOV Union of Soviet Socialist Republics

Mr. KHALIL United Arab Republic

PRESENT (continued):

Members (continued):

Mr. SINCLAIR United Kingdom of Great Britain  
and Northern Ireland

Mr. SCHWEBEL United States of America

Mr. ALVARADO Venezuela

Mr. SAHOVIC Yugoslavia

Secretariat:

Mr. BAGUINIAN Acting Representative of the  
Secretary-General

Mr. WATTLES Deputy Secretary of the  
Committee

I. CONSIDERATION OF THE FOUR PRINCIPLES REFERRED TO THE SPECIAL COMMITTEE IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTION 1966 (XVIII) OF 16 DECEMBER 1963, NAMELY:

- (c) THE DUTY NOT TO INTERVENE IN MATTERS WITHIN THE DOMESTIC JURISDICTION OF ANY STATE, IN ACCORDANCE WITH THE CHARTER (A/AC.119/L.6, L.7, L.8 and L.23)  
(continued)

Mr. SINCLAIR (United Kingdom) said that before introducing the United Kingdom proposal on principle C (A/AC.119/L.8) he would explain his delegation's view of the "duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter" as stated in General Assembly resolution 1815 (XVII). The four principles under consideration in the Committee were general principles of international law embodied expressly or by direct and immediate implication in the Charter. They related primarily and essentially to the rights and duties of States in their relations with each other. It was obvious that since the signing of the Charter relations between States had been conducted in the light of the existence of a general international organization with broad and sweeping functions and powers in the maintenance of international peace and security and the development of friendly relations and co-operation among States. It was important, therefore, not to lose sight of the role of the United Nations in the interpretation and application of those four principles.

With reference to the principle of non-intervention, mention should be made of the principle applying to relations between the United Nations and Member States which found expression in Article 2 (7) of the Charter. His delegation had made clear its interpretation of that paragraph on many occasions and it fully realized that some delegations did not share its views on the matter. However, it would be unfortunate for the Special Committee to embark upon a discussion of the scope and significance of Article 2 (7) of the Charter in relation to the activities of United Nations organs, although his delegation recognized the relevance of that provision to principle C.

(Mr. Sinclair, United Kingdom)

What then was the significance of the phrase "in accordance with the Charter"? The prohibition of the use of force laid down in Article 2 (4), which the Committee had examined in its consideration of principle A, implied a correlative right on the part of States to political independence and territorial integrity. That right was stated in paragraph 1 of the United Kingdom proposal on principle C. But, once that right was accepted, the conditions under which States could exercise that right must be established; that could only be done by imposing on States the duty to respect the rights enjoyed by other States in accordance with international law, as the first part of paragraph 2 of the United Kingdom proposal stated. Moreover, a provision in similar terms was to be found in Article 7 of the Charter of the Organization of American States. It might be objected that the second part of paragraph 2 was a mere repetition of what was already stated in many multilateral, regional and bilateral treaties and that it added very little to the understanding of principle C. Paragraphs 2, 3 and 4 of the commentary, however, drew attention to the very real difficulties in the way of a definition - even though not exhaustive - of the word "intervention". It would be all too easy to categorize as intervention what amounted to no more than the ordinary stuff of diplomatic intercourse. It would be equally all too easy to claim that certain forcible measures taken in relation to another State did not amount to intervention. In his delegation's view, therefore, it would be unwise and unprofitable for the Committee to attempt to define that word, because any undue extension of the concept would stultify the growth of international co-operation and any undue restriction would leave States without protection against what were very real dangers. The prohibition of the use or threat of force had absorbed much of the classic conception of intervention, which had always been regarded as connoting forcible or dictatorial interference.

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(Mr. Sinclair, United Kingdom)

Accordingly, the United Kingdom proposal on principle A included certain elements which were equally applicable to the principle of non-intervention.

It was only when taken beyond its classic conception that the word "intervention" began to raise real difficulties. His delegation had been gratified to note that at the twenty-fifth meeting the Yugoslav representative had appeared to approve that part of paragraph 3 of the commentary to the United Kingdom proposal to the effect that "it is inevitable and desirable that States will be concerned with and will seek to influence the actions and policies of other States". In the present-day world, States were increasingly interdependent, and that tendency was bound to become more pronounced. Thus the risk must be avoided of seeming to thwart progress by categorizing as intervention what was part of normal diplomatic activities. Without wishing to defend all forms of political, economic or material pressure, he would leave the Committee with the thought that certain forms of pressure, as the Netherlands representative had pointed out, could promote and not hinder progress.

He reserved his delegation's right to submit at a subsequent meeting its views on the proposals before the Committee and any statements made.

Mr. CRISTESCU (Romania) said that in his delegation's view the observance by States of the principle of non-intervention in matters within the domestic jurisdiction of other States was the prerequisite for peaceful coexistence and the development of friendly relations and co-operation among States having different social and political systems. Throughout history that principle had been declared to be one of the most important principles on which international relations should be based and it had been stated, inter alia, in the works of the most outstanding theorists of the French Revolution, including Volney and the Abbé Grégoire, article 7

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(Mr. Cristescu, Romania)

of whose draft declaration on the law of nations stated that "no people has the right to interfere in the government of others". The application of that principle had also helped the peoples of Europe and the New World to form States, to develop economically and culturally and to defend their independence. Throughout the ages that principle had tended increasingly to expand in scope, a trend that had been accentuated in the present century, after the outlawing of war and the recognition of the principle of the self-determination of peoples. The United Nations Charter had embodied the principle of non-intervention in general terms in Article 2 (7), which, by prohibiting the United Nations from intervening in matters within the domestic jurisdiction of any States, a fortiori condemned intervention in any form by one State in the affairs of another. The establishment of that principle also clearly followed from the fact that by proclaiming the sovereignty and equality of States, the Charter on the one hand prohibited one State from interfering in the affairs of another State and, on the other hand, protected the second State against such interference. Lastly, since the adoption of the Charter, the first aspect of that principle - namely, the prohibition of intervention - had been the subject of numerous bilateral and multilateral treaties, various decisions by the United Nations and other important international instruments.

The principle of non-intervention was a guarantee to small States both that their independence would be respected by other Powers and that they would be treated as equals in their international relations; for the new States it was a bulwark in their struggle to eradicate the vestiges of colonialism.

Interference by one State in the affairs of another, which was condemned by international law, was also a source of international tension; that was why the United Nations had repeatedly stressed the contribution which respect for the principle of

(Mr. Cristescu, Romania)

non-intervention was making to the maintenance and strengthening of peace. In his opinion, the new developments that had occurred in the application of that principle must be taken into account and the new rules that practice had evolved must be codified if it was desired to make international law play a more important role and to promote friendly relations and co-operation among States.

His delegation therefore considered that in conformity with the mandate given it by the General Assembly the Special Committee should formulate that principle in a statement categorically prohibiting any State or group of States from intervening in any form whatever or for any reason whatever in the affairs of another State. Such intervention should be considered as an infringement of the independence, sovereign equality or territorial integrity of the other State and condemned as such. For that reason his delegation would support the proposals submitted by Yugoslavia (A/AC.119/L.7) and Czechoslovakia (A/AC.119/L.6). Since, moreover, it considered that such a statement must enumerate the main types of actions which in fact constituted intervention, his delegation would support the provisions to that effect in the Yugoslav proposal.

On the other hand, the formula submitted by the United Kingdom delegation (A/AC.119/L.8), added nothing to the provisions of the Charter. Because of its general wording and its flexibility, it might even give rise to interpretations contrary to the spirit of that instrument. The commentary went further than the statement of the principle, but failed to define the basic elements of the principle. Moreover, it attempted to make a distinction between two types of intervention - lawful and unlawful - and sought, by inference, to justify one category, so-called lawful intervention. His delegation could not therefore support that proposal.



(Mr. Cristescu, Romania)

In conclusion, he expressed his gratitude to the Mexican delegation for the working paper which it had submitted to the Committee (A/AC.119/L.23), for it would undoubtedly be of great assistance to the Committee in formulating the principle under discussion.

The meeting rose at 5.30 p.m.