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1966 SPECIAL COMMITTEE ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING
FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES

SUMMARY RECORD OF THE FORTY-THIRD MEETING

Held at Headquarters, New York,
on Tuesday, 12 April 1966, at 4 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. Krishna RAO	(India)
<u>Rapporteur:</u>	Mr. RIPHAGEN	Netherlands
<u>Members:</u>	Mr. MAMERI	Algeria
	Mr. GOÑI DEMARCHI	Argentina
	Sir Kenneth BAILEY)	Australia
	Mr. McKEOWN)	
	U Tun WIN	Burma
	Mr. ENGO	Cameroon
	Mr. MILLER	Canada
	Mr. ALBONICO	Chile
	Mr. POTOČNY	Czechoslovakia
	Mr. IGNACIO-PINTO	Dahomey
	Mr. MONOD	France
	Mr. VANDERPUYE	Ghana
	Mr. ROHRMOSER	Guatemala
	Mr. S. N. SINHA	India
	Mr. ARANGIO RUIZ)	Italy
	Mr. ROSSI ARNAUD)	
	Mr. HATANO	Japan
	Mr. BHOI	Kenya
	Mr. CHAMMAS	Lebanon
	Mr. RAKOTONDRAINIBE	Madagascar
	Mr. MERCADO	Mexico
	Mr. ODOGWU	Nigeria
	Mr. WYZNER	Poland
	Mr. BOLINTINEANU	Romania
	Mr. ROMARE	Sweden
	Mr. NACHABE	Syria
	Mr. MOVCHAN	Union of Soviet Socialist Republics
	Mr. EL REEDY)	United Arab Republic
	Mr. ABOUL NASR)	
	Mr. SINCLAIR	United Kingdom of Great Britain and Northern Ireland

PRESENT (continued):

Members (continued):

Mr. NABRIT)
Mr. HARGROVE)
Mr. ROSENSTOCK)

United States of America

Mr. MOLINA

Venezuela

Mr. SAHOVIC

Yugoslavia

Secretariat:

Mr. WATTLES

Deputy Director, Codification
Division, Office of Legal
Affairs

CONSIDERATION, PURSUANT TO GENERAL ASSEMBLY RESOLUTION 2103 (XX) A AND B OF 20 DECEMBER 1965, OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

- (i) CONTINUED CONSIDERATION OF THE FOUR PRINCIPLES SET FORTH IN PARAGRAPH 3 OF GENERAL ASSEMBLY RESOLUTION 1815 (XVII)
- (d) THE PRINCIPLE OF SOVEREIGN EQUALITY OF STATES (A/AC.125/4) (continued)

1. Mr. ENGO (Cameroon), introducing the recommendations of the Drafting Committee on the principle of sovereign equality of States (A/AC.125/4), said that the principle had been subjected to a thorough examination. The members of the Drafting Committee had been conscious of the great responsibility placed on them and of the importance of their work to a world which was desperately seeking peace.
2. In order to improve the prospects of reaching agreement, the Drafting Committee had divided into several groups, and non-members had been invited to participate in the discussions. Thus, the problem had been examined both formally and informally. In spite of the lack of time, the Drafting Committee, in keeping with its terms of reference, had done its utmost to reach negotiated agreements.
3. With regard to the recommendations themselves, the report was divided into two parts: the recommended text, and proposals and amendments which had been submitted and on which no agreement had been possible. The document might give the impression that the work done at the Mexico City session had not been carried forward any further, but that was completely erroneous, since among the topics discussed there was scarcely one which would not command a large majority.
4. Moreover, one of the obstacles to a full consensus had been the fact that some delegations had not had time to communicate with their Governments on certain questions relating to the negotiations. It must also be borne in mind that the Drafting Committee consisted of members of the Special Committee, and it had therefore been able to meet only at the times scheduled for it by the latter. Nevertheless, the members of the Drafting Committee had applied themselves diligently to the task set before them.
5. The recommended text respected the spirit of the text adopted at Mexico City. However, paragraph 1 had been modified to give the principle of sovereign equality its full scope. The Drafting Committee had felt that it was essential to include

a provision to the effect that no considerations of an economic, social, political or other nature should affect the rights and duties inherent in membership of the international community.

6. The proposals and amendments on which no agreement had been possible were set out in section II of the Drafting Committee's recommendations (A/AC.125/4).

7. With regard to topic A, two main proposals had been referred to the Drafting Committee: that of Czechoslovakia (A/AC.125/L.8) and that of Kenya (A/AC.125/L.7). They had been given full consideration, along with the sub-amendment by Cameroon (A/AC.125/L.10) and the amendments of the United Arab Republic (A/AC.125/L.9) and Ghana (A/AC.125/L.11). Other proposals had been made during private consultations. The members of the Drafting Committee had all agreed that the question of the sovereignty of a State over its national wealth and natural resources should be included. It had not been possible to reach a consensus, however, for reasons both of form and of substance. In particular, the Committee had not been able to resolve the question whether or not qualifications should be attached to the right of a State freely to dispose of its national wealth and natural resources. That problem had arisen from the second part of the Kenyan amendment (A/AC.125/L.7). In short, although agreement had been near, a consensus on that point had not been possible.

8. On topic B, concerning foreign military bases, the progress made could, at best, be described as negligible.

9. Regarding topic C, there had seemed to be agreement concerning the substance of the matter. Some delegations, however, had felt that its scope was too wide. Difficult questions of definition had been raised, in particular, by the words "harmful effects on other States" appearing in documents A/AC.125/L.9 and A/AC.125/L.11. He believed that, with time, it should be possible to arrive at a consensus on that topic. Further consultations would be desirable, both in the Special Committee and in other bodies.

10. On topic D, the Drafting Committee had tried to be as brief as possible, but it had been unable to ignore the debates in the Special Committee. Although all the documents had been carefully studied, the questions raised by the subject would require more time before they could be resolved. They had not been suitable for hurried consideration in the short time available to the Drafting Committee.

(Mr. Engo, Cameroon)

11. With regard to topic E, the Drafting Committee had had to agree that no consensus was foreseeable in the near future.

Topic F had also been thoroughly examined, simultaneously with the question of experiments having harmful effects. The Committee had been able to agree only as to its value.

12. The CHAIRMAN said that the text of the statement which had just been made by the Chairman of the Drafting Committee would be circulated as an official document of the Special Committee.^{1/} The Committee would take up the recommendations of the Drafting Committee (A/AC.125/4) at a later meeting.

(i) CONSIDERATION OF THE THREE PRINCIPLES SET FORTH IN PARAGRAPH 5 OF GENERAL ASSEMBLY RESOLUTION 1966 (XVIII)

(b) THE PRINCIPLE OF EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES
(A/AC.125/L.16, L.31, L.32) (continued)

13. Mr. MAMERI (Algeria) said that he would discuss separately the two distinct elements which constituted the principle, namely, equal rights of peoples and self-determination. The former element was of general application, but obviously the enjoyment of equal rights was impossible without independence.

14. As to the second element, many questions arose in attempting to define its scope and its limits, and some of them had already been mentioned by the representative of France. The Algerian delegation, for its part, considered that self-determination could be understood to apply to three situations. Firstly, there was the situation of independent peoples in their relations with one another; for them, the exercise of self-determination meant freedom of action for States towards one another. The second situation concerned self-determination of peoples within States, which some delegations had envisaged. His own view was that it would be dangerous to recognize such a right, which would be akin to the right of secession, since the rights of peoples within States were a matter to be dealt with entirely by the constitutions and municipal laws of the States concerned. There was, however, an important exception to that rule: in some territories there were entities which had been established and maintained by force and in violation of international law and which could not be regarded as

^{1/} Subsequently issued as document A/AC.125/L.33.

States, from the point of view of self-determination, until the peoples of the territories concerned had regained their complete freedom.

15. The third situation in connexion with self-determination, and the one to which his delegation attached the most importance, was that of subjugated peoples. In the context of the recent evolution of the international community, the political liberation of peoples must be consummated through their economic liberation. In general, the right to self-determination should be regarded, not as a mere ideal, but as an absolute necessity to which urgent priority should be given. No restrictions must be imposed on that right, either in time or in space. The application of the principle of self-determination to the peoples referred to in Chapter XIII of the Charter, in particular, could not be further delayed. Many peoples were still the victims of colonial or racial domination. International law, in his view, could hardly fulfil its purpose, based on justice and mutual respect in relations among States, if dominated peoples could not follow the bent of their own genius and live according to their own choice.

16. Mr. GOÑI DEMARCHI (Argentina) said that, when the territories of La Plata had separated from the metropolitan country in 1810, they had affirmed the rights which they intended to enjoy as flowing essentially from the individuality and the equality of peoples; those two elements were the foundation of the principle that every people in the world had the right to govern its own destiny. Argentina, which as early as 1889, at the first inter-American conference, had affirmed that the co-operation then about to be instituted should be based on recognition of equality among the nations of the continent, had again expressed its attachment to that principle and to the principle of self-determination of peoples at the first Assembly of the League of Nations in 1920. Since, however, the Covenant of the League had not properly embodied those principles, the Argentine Government had drawn the necessary conclusions and had withdrawn from the League of Nations.

17. In the view of his delegation, equal rights of States must mean that they had the same legal capacity, whether or not the rights in question were strictly equivalent in the practical sense. Furthermore, legal equality should be the basis, not only of relations between States, but also of the relations of States with the United Nations.

(Mr. Goñi Demarchi, Argentina)

18. The component elements of the principle of self-determination included the right of peoples to determine their own international status, and that implied both internal self-government and external independence. The latter, in his view, flowed from the right of peoples to acquire the international legal status which corresponded to sovereignty.

19. The juridical content of the notion of self-determination had been precisely stated in General Assembly resolution 1514 (XV), and machinery for the application of that resolution had been established in resolution 1654 (XVI). In the view of his Government, the principle of self-determination must be considered in the light of the conditions governing its application; in particular, it could not be used to transform an unlawful situation into full sovereignty under the protective mantle of the United Nations. The provisions of General Assembly resolution 1514 (XV), paragraphs 2, 6 and 7, limited the scope of the principle, which must not, by unthinking application, affect territorial integrity. Lastly, self-determination was defined from the territorial standpoint as the right of a people to determine the national affiliation of the space which it inhabited and, consequently, to demand territorial changes and oppose any cession of territory to which it did not expressly consent. On that point, consideration should be given, in particular, to the provisions of resolution 1514 (XV), paragraph 6, and to the competence of the General Assembly deriving from Articles 10 and 16 of the Charter.

20. His delegation thought that all the proposals before the Special Committee contained some positive elements, but it preferred the text in document A/AC.125/L.31, which satisfactorily reflected the facts and the principle in the matter of self-determination. The text might, however, be more generally acceptable if it was divested of a measure of subjectivity which found expression in, for instance, the reference to the right of self-defence in paragraph 2 (b). Section VI of the Czechoslovak proposal (A/AC.125/L.16) also contained a useful formulation which the Drafting Committee would undoubtedly take into consideration.

21. Mr. IGNACIO-PINTO (Dahomey) announced that his delegation wished to co-sponsor the joint proposal (A/AC.125/L.31), which it fully endorsed.

(Mr. Ignacio-Pinto, Dahomey)

22. His delegation's position regarding principle F was clear: it was essential, first and foremost, "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", a purpose expressly stated in the Charter. The Committee must, therefore, on the basis of the current discussions, prepare a draft text which could be considered because it would promote the achievement of that purpose. In doing so, however, the Committee should take care not to forget that the "people" was not an entity in itself and that, in the final analysis, the whole question centred on the true condition of man. In view of the present situation, the Committee should avoid confinement in a system which was not capable of any evolution. There was no question of continuing to adhere to a system of international law which had been established by a few great Powers and had been based essentially on force. During the past twenty years there had been a slow transformation of certain traditional concepts. Man's inalienable rights had received increasing recognition and, as a result, peoples everywhere had also been granted certain rights and freed from certain yokes.

23. Dahomey had been under colonial rule for a long period of time. The same was true of many other countries. During the Second World War, however, many colonizing countries, having experienced some particularly virulent forms of domination, had themselves suffered from the evils of the system and had realized the necessity of changing their views on the subject.

24. In his opinion, it would be unwise to base the formulation of the principle on certain practices which were still current. Fortunately, all the members of the Committee seemed to agree that no one should continue to be subjected by another to domination, colonization, or exploitation, and a much more positive notion - that of interdependence - was emerging. In stating the principle, care must be taken to avoid appearing to recognize the injustices of colonialism while at the same time approving certain inadmissible situations under cover of the principle of self-determination; for recognition of the principle must not have the effect of permitting certain acts of indirect intervention aimed at supporting particular ethnic groups within a country, on the pretext of ties of kinship or origin.

25. The world was at the crossroads. The question was whether it was to revert to an obsolete system established by a handful of States or whether, under the

(Mr. Ignacio-Pinto, Dahomey)

auspices of the United Nations, peoples were to be assured of equal rights and self-determination and allowed to associate and freely to choose their political, economic and social systems, without outside intervention and without conflict with anyone. That, of course, was the path which the Committee should take, and its work should be marked by the greatest objectivity. It had a purpose to pursue and rules to establish. Over and above the rules, however, were the customs themselves which it must endeavour to reform. Without customs, laws would be useless. The results obtained by the United Nations, as modest as some alleged them to be, proved that it must be possible to enunciate rules which would enable States to maintain friendly relations and to strengthen world peace. The Committee's work must be based on those considerations, and he was pleased to note that members were well aware of that fact.

26. Mr. MERCADO (Mexico) said that it was desirable to try to determine the intention of the drafters of the Charter in establishing the principle of equal rights and self-determination of peoples. According to the report of Sub-Committee I/1/A to Committee I/1, those two elements constituted one norm, and the purpose of Article 1 (2) of the Charter was to proclaim the equality of peoples as such, and consequently their right to self-determination. Equality of rights, therefore, extended in the Charter to States, nations, and peoples. The meaning of the right of self-determination could be found in certain United Nations documents, particularly in the draft Covenant on Civil and Political Rights (A/C.3/L.1062), article 1 of which established that all peoples had the right of self-determination, and that by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development and in the draft Covenant on Economic, Social and Cultural Rights. The same idea was expressed in General Assembly resolution 1514 (XV), operative paragraph 2, and he concluded that the fundamental elements of the principle were self-government and autonomy of economic, social and cultural development.

27. The principle had for long been accepted in Latin America. The Ninth International Conference of American States in 1948, in particular, had affirmed the determination of the participants to put an end to any status of dependency, whatever its form, political, economic or juridical, and the Tenth Conference in

(Mr. Mercado, Mexico)

1954 had expressed the will of the American peoples that colonialism should be definitively ended and had stated the aspiration of the peoples of the continent to participate, on a basis of equality and independence, in the benefits of the American community and the responsibilities of international life.

28. As early as the Chapultepec Conference, before the San Francisco Conference, Mexico had been concerned about the future of the Non-Self-Governing Territories. The principle of self-determination could not be subordinated to any other principle. It must include, in addition to the right of peoples to determine their own destiny, the right freely to pursue their development in all forms. Consequently, he considered that international law should confirm the principle in those terms.

29. Mr. MOVCHAN (Union of Soviet Socialist Republics) said that both the Czechoslovak proposal (A/AC.125/L.16) and the joint proposal (A/AC.125/L.31) were fully consistent with the Committee's work. The Committee must seek to elucidate the content of the principle of equal rights and self-determination of peoples, which was a recognized principle of international law, and must also try to formulate that principle in such a manner that it would be scrupulously respected by all States and implemented without delay. If the colonial Powers were still able to depart from it, and thus violate both the Charter and international law, then peace and security would be endangered.

30. Unlike the Czechoslovak proposal and the joint proposal, the United States proposal (A/AC.125/L.32) did not even attempt to define the content of principle F. Paragraph 1 merely indicated laconically that every State had the duty to respect the principle of equal rights and self-determination of peoples, but the following paragraphs aimed only at limiting the application of the principle. That was an attempt to return to the era of colonial domination, and such a retrograde step was particularly unthinkable since the struggle to win acceptance for the principle of the right of self-determination of peoples had been long and arduous. The principle had eventually won acceptance owing to the efforts of some progressive countries, including, in particular, the Soviet Union, which was proud that it had been the first to enact an instrument formally proclaiming the principle and also to have included it in the many treaties which it had concluded with various socialist States.

(Mr. Movchan, USSR)

31. At San Francisco, the Soviet Union had not been alone in defending that principle. Its inclusion in the Charter was due to the efforts of a number of States. It had, consequently, been recognized as a fundamental principle of international law, any violation of which would constitute a threat to international peace and security.

32. The legal nature of the principle had been confirmed both by the adoption of a number of resolutions at the fifth, sixth and seventh sessions of the General Assembly and by the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples [resolution 1514 (XV)]. In that Declaration, the right of self-determination of peoples had been reaffirmed and all States had been invited to take immediate steps to enable territories to enjoy independence which had not yet attained independence. In adopting that instrument, the General Assembly had been conscious of the need for the creation of peaceful and friendly relations between States, and of the fact that colonialism was contrary to the Charter and should be brought to a speedy and unconditional end. It was therefore a matter for concern that colonialism continued to exist and that the provisions of resolution 1514 (XV) were still not being implemented, through the negligence of some colonial Powers which were continuing to repress national liberation movements and to take measures to oppress certain peoples, as in South Africa and Rhodesia. He was therefore surprised that, unlike the Czechoslovak proposal (para. 2) and the joint proposal (para. 2 (a)), the United States proposal contained no provision stating that colonialism was contrary to the foundations of international law and to the Charter. Any formulation of principle F would be incomplete without such a provision.

33. The Soviet Union had always condemned the attitude of colonial Powers which, by their words, accepted certain obligations, but did not respect them in their deeds. The twenty-third Congress of the Communist Party of the USSR had solemnly affirmed that those who were fighting against foreign domination to obtain their independence and their freedom would always enjoy the active support of the Soviet Union. The process of liberation of peoples was irreversible and his delegation believed that they were entitled to use all and every means at their disposal in order to implement their right of self-determination.

(Mr. Movchan, USSR)

34. Furthermore, the Committee should not agree to include in the formulation of the principle a provision which could be interpreted as being contrary to the right of self-determination of peoples. He therefore fully endorsed the provisions on that point contained in paragraph 2 (b) of the joint proposal and in paragraph 3 of the Czechoslovak proposal.

35. The Committee should also emphasize in the formulation of principle F that any form of colonialism or neo-colonialism should not be tolerated and must be considered unlawful.

36. Chapter VIII of the Cairo Declaration had noted that military bases were a means of bringing pressure on nations and retarded their emancipation. Nothing could justify the maintenance of such bases, particularly if they were being maintained in defiance of the will of the countries in which they were situated, since it then constituted a violation of the sovereignty and territorial integrity of those countries; it was essential that the formulation of the principle should contain an express provision to that effect.

37. The provisions in paragraph 4 of the Czechoslovak proposal and in paragraph 2 of the joint proposal were of current relevance. Some colonial Powers still considered that the territories they administered were integral parts of their own territory. That attitude was a violation of the norms and principles of international law and the efforts of the colonial Powers to retain such territories were doomed to failure.

38. The Committee's work on the principle of self-determination was a fundamental contribution to the observance of that principle by all States. The Soviet Union would support all efforts made to secure implementation of the provisions contained in the Czechoslovak proposal and the joint proposal. The United States proposal, on the other hand, was inappropriate in that it would divert the Committee from its main task which was to formulate and clearly define principle F. Paragraph 2 A (3) of that proposal indicated to what extent the actions of colonial Powers could be tolerated. It mentioned the trusteeship system which was now but a remnant of history on the point of disappearing, but it made no reference to the implementation of resolution 1514 (XV). The principle of self-determination should be implemented to the widest extent possible, without ethnic or any other distinction, and its implementation should be universal and unconditional.

38. Mr. S.N. SINHA (India) said that in the opinion of his delegation the principle of self-determination of peoples was certainly one of the most important among those which the Committee had to study. One of the outstanding events of the present age was the emancipation of the colonial peoples. That development was based squarely on the principle which was now under consideration and which reflected one of the fundamental notions of democracy, namely, that peoples should be free to choose the form of government they wished, free from any alien domination. For his delegation and for many others, the right to self-determination could not and should not be denied. The Special Committee could not close its eyes to what was happening in the world today. The fact that the principle of equal rights and self-determination of peoples was included among the seven principles of international law being studied by the Committee implied that that principle was juridical in nature.

39. In his view, there was no need to dwell in detail on the history of the principle of self-determination. However, certain salient developments should be mentioned. The principle was closely connected with the writings of such philosophers as Kant, Locke and Rousseau and with such developments as the French and American Revolutions. Moreover, one of the earliest references to the inalienable right of colonial peoples to independence was contained in the Declaration of Independence proclaimed by the United States on 4 July 1776. In proclaiming that right, the United States leaders had relied on the fundamental principle that men were endowed with certain inalienable rights. Later, the French Revolution had firmly established the principle of self-determination. From that time onwards it had come to be accepted that, as the British historian E.H. Carr had put it, "nations, like men, have rights, above all the right of freedom". The conceptual basis for the principle of self-determination could therefore be traced back to the eighteenth century; from that time on, it had merely taken more concrete shape. In that connexion, reference should be made to the significant part played by President Woodrow Wilson in stressing the importance of that principle in the years following the First World War.

40. The principle of equal rights and the self-determination of peoples was now an essential element of international life embodied in the United Nations Charter. One of the purposes of the United Nations was to develop friendly relations among

(Mr. S.N. Sinha, India)

nations based on respect for the principle of equal rights and self-determination of peoples. That idea was clearly stated in Article 1, paragraph 2, and was also embodied in Article 55 and in Chapters XI and XII of the Charter. Numerous resolutions of the General Assembly also testified to the Organization's concern to ensure that all colonial peoples should be enabled to exercise their inalienable right freely to choose their own destiny. General Assembly resolutions 648 (VII), 742 (VIII), 1514 (XV), 1541 (XV) and 2105 (XX) were relevant in that regard. In the light of all those developments, his delegation considered that the right to self-determination could not be denied to peoples struggling under alien rule. A logical corollary of that was that colonial territories could not be regarded as integral parts of the territories of the colonial Powers and that the peoples who were struggling for their freedom were entitled to receive assistance from other States. Under operative paragraph 6 of General Assembly resolution 1514 (XV), the principle of self-determination could not be invoked to justify the partial or total disruption of the territorial integrity of a sovereign State. That idea had been expressed by the Iraqi representative at the tenth session of the General Assembly and by the Malian representative at the twentieth session and it had the full support of the Indian Government. His Government had, on several occasions, reiterated its understanding that the principle of self-determination, in that sense, was applicable only to peoples under alien subjugation or colonial rule, but not to parts of existing States. Another aspect of the principle of self-determination was what might be called the internal aspect. A people had the right to choose the form of government it desired and to develop its political, economic and social systems according to its own wishes. That aspect also bore a close relationship to the principle of sovereign equality and non-intervention.

41. In concluding with a brief review of proposal A/AC.125/L.31, he said that his delegation believed that the formulation of the principle of self-determination in that proposal fully met, from a juridical standpoint, the needs of the present-day world. Moreover, it was squarely based on the provisions of various resolutions of the General Assembly. His delegation therefore hoped that that proposal would commend itself to the members of the Special Committee.

42. Mr. ALBONICO (Chile) said that in his delegation's view there were two aspects to the right of peoples to self-determination: the municipal public law aspect and the international law aspect.

(Mr. Albonico, Chile)

43. The first aspect concerned the right of every people to choose the form of government it wished. Neither the nature nor the operation of that right was therefore of any direct concern to international law and each State had the exclusive right to decide, without foreign interference, what its form of government should be. In his delegation's view, that first aspect included, in the case of every State, a number of rights, namely, the right to adopt the political, economic and social systems most suited to it; the right to adopt whatever legal system it wished, whether in the field of constitutional law, private international law, administrative law or any other form of law, without any limitation other than respect for fundamental human rights; the right to shape its foreign policy according to its needs, including the right to conclude, amend and denounce international treaties, without any restrictions other than those deriving from the generally recognized rules of international law; the right freely to dispose of its national wealth and natural resources in conformity with its own interests and with international law. That was a point on which he was in full agreement with section VI, paragraph 1, of the Czechoslovak proposal (A/AC.125/L.16).

44. With regard to the second aspect, which concerned international law, his delegation felt that the right of peoples to self-determination was identical with their right to belong to the State of their choice. Here again the right of self-determination had two aspects. One was negative - the right of any people not to be exchanged or transferred against their wishes - whereas the other was positive - their right to change their leaders, in other words, to secede from the State to which they belonged in order to attach themselves to another State or to form an independent State.

45. His delegation supported unconditionally the principle of self-determination in the modern formulation it had been given in resolution 1514 (XV). It also found fully acceptable section VI, paragraphs 2, 3 and 4 of the Czechoslovak proposal (A/AC.125/L.16) and paragraph 2, sub-paragraphs (a) to (e) of the proposal in document A/AC.125/L.31. In that connexion, his delegation was keenly interested in the provisions of those two proposals which proclaimed that territories under colonial domination were not integral parts of the territory of the colonial Power.

46. Nevertheless, any formulation of the principle of the self-determination of peoples would be incomplete without a statement that a State which did not

(Mr. Albonico, Chile)

scrupulously observe that principle, as laid down in resolution 1514 (XV), would be violating international law and flouting the principles and the provisions of the Charter, and therefore deserved to have the sanctions envisaged by the international community applied against it.

47. He was most gratified at the quality of the work done by the Committee, as shown by the high level of discussion, the proposals made and the synthesis which the Drafting Committee had made of them. However, in view of the forthcoming General Assembly, the work of the Drafting Committee would not have served any useful purpose unless concrete results were achieved. It was therefore necessary to reach agreement and, if possible, to adopt a report containing the results of the Special Committee's debate. It was not the task of the members of the Committee to codify international law; the General Assembly had merely requested the Committee to submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the Assembly to adopt a declaration containing an enunciation of those principles. The differences of view which had emerged in the Special Committee would give the General Assembly a fuller picture when it came to formulate those principles.

48. In conclusion, he expressed the hope that, whatever its shortcomings, the work of the Committee could at least be reflected in a report on the seven principles and that the report would reflect the views of the minority as well as those of the majority. The General Assembly would thus have the fullest possible information at its disposal when it adopted a declaration enunciating the principles of international law upon which friendly relations and co-operation among States should be based.

The meeting rose at 6.5 p.m.