



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

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-FIFTH SESSION

SUPPLEMENT No. 18 (A/8018)

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New York, 1970

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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ANNEX

Membership of the Special Committee

I. INTRODUCTION

A. Adoption and organization of the report

1. Pursuant to General Assembly resolution 2533 (XXIV) of 8 December 1969, the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, as reconstituted by General Assembly resolution 2103 (XX) (see paragraph 8 below) held its fifth session at the United Nations Office at Geneva, from 31 March to 1 May 1970. At the last meeting of the session (114th meeting) on 1 May 1970, the Special Committee adopted without objection the draft report presented by its Rapporteur in the understanding that the final version would be rearranged in the light of the outcome of the session and would include the report of the Drafting Committee, the summary of the statements made by members of the Special Committee at the concluding stage of the Special Committee's session and the decisions taken by the Special Committee.

2. The introduction to this report (Chapter I) briefly recalls the background of the work of the Special Committee and describes its composition, terms of reference and the organization of the session. It also refers to the consultations which took place preceding the session and to General Assembly resolution 2499 (XXIV) concerning the celebration of the twenty-fifth anniversary of the United Nations. The remainder of the report (Chapter II) is organized in general in accordance with the terms of reference of the Special Committee at its 1970 session, the agenda adopted, and the decisions regarding the organization of work for the session (see paragraphs 37 to 39, 44 and 48 below) and the adoption of the draft report (see paragraph 1 above). Chapter II, which is divided into 4 sections, deals with the completion, at the present session of the Special Committee's work on the remaining questions relating to the formulation of the seven principles of international law concerning friendly relations and co-operation among States. Section A deals with the preparation of a draft declaration on all of the seven principles. Section B is devoted to the consideration of the report of the Drafting Committee. Section C concerns the statements made by members of the Special Committee at the concluding stage of the Special Committee's session. Section D contains the decision of the Special Committee regarding an informal meeting of representatives of members of the Committee to be held on 15 September 1970.

B. Background of the work of the Special Committee

3. The item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations"^{1/} was discussed by the General Assembly at its seventeenth^{2/}, eighteenth^{3/}, twentieth^{4/}, twenty-first^{5/}, twenty-second^{6/}, twenty-third^{7/} and twenty-fourth^{8/} sessions. These discussions resulted, inter alia, in the adoption of

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- 1/ The item was placed on the provisional agenda of the seventeenth session in accordance with resolution 1686 (XVI) adopted by the General Assembly on 18 December 1961, under the item entitled "Future work in the field of the codification and progressive development of international law".
 - 2/ Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75; Official Records of the General Assembly, Seventeenth Session, Sixth Committee 753rd to 774th and 777th meetings, and *ibid.*, Plenary Meetings 1196th meeting.
 - 3/ Official Records of the General Assembly, Eighteenth Session, Annexes agenda item 71; Official Records of the General Assembly, Eighteenth Session, Sixth Committee, 802nd to 825th, 829th, 831st to 834th meetings, and *ibid.*, Plenary Meetings, 1281st meeting.
 - 4/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94; Official Records of the General Assembly, Twentieth Session, Sixth Committee, 870th to 872nd, 874th to 893rd, and 898th meetings, and *ibid.*, Plenary Meetings, 1404th meeting.
 - 5/ Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87; Official Records of the General Assembly, Twenty-first Session Sixth Committee, 924th to 942nd meetings, and *ibid.*, Plenary Meetings, 1488th and 1489th meetings.
 - 6/ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87; Official Records of the General Assembly, Twenty-second Session Sixth Committee, 992nd to 1006th meetings, and *ibid.*, Plenary Meetings, 1637th meeting.
 - 7/ Official Records of the General Assembly, Twenty-third Session, Annexes, agenda item 87; Official Records of the General Assembly, Twenty-third Session Sixth Committee, 1086th, 1090th to 1096th and 1099th meetings and *ibid.*, Plenary Meetings, 1751st meeting.
 - 8/ Official Records of the General Assembly, Twenty-fourth Session, Annexes, agenda item 89; Official Records of the General Assembly, Twenty-fourth Session Sixth Committee, 1158th to 1164th meetings, and *ibid.*, Plenary Meetings, 1825th meeting.

General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969^{9/}.

1. Action taken by the General Assembly at its seventeenth session

4. By resolution 1815 (XVII) the General Assembly recognized "the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations, which is the fundamental statement of these principles" and resolved "to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application." Operative paragraph 1 of the same resolution listed, in the order given below, those principles as being "notably" the following seven:

- (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;
- (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;
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;
- (d) The duty of States to co-operate with one another in accordance with the Charter;

^{9/} Other resolutions adopted by the Assembly in connexion with the item are resolution 1816 (XVII) of 18 December 1962, on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, and resolutions 1967 (XVIII) of 16 December 1963, 2104 (XX) of 20 December 1965 and 2182 (XXI) of 12 December 1966 on the question of methods of fact-finding. As these resolutions are not related to the terms of reference of the Special Committee at its 1970 session, they are not set out in the body of the present report.

- (e) The principle of equal rights and self-determination of peoples;
- (f) The principle of sovereign equality of States;
- (g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.

2. Action taken by the General Assembly at its eighteenth session

5. Four of the above mentioned seven principles, namely the principles listed as (a), (b), (c) and (f), were studied by the General Assembly at its eighteenth session, in accordance with operative paragraph 3 of resolution 1815 (XVII). At that session the Assembly adopted resolution 1966 (XVIII), whereby it decided to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, which was requested to study principles (a), (b), (c) and (f) and to "draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations". By the same resolution the Assembly decided to consider the report of the Special Committee at its nineteenth session, and also to study at that session the three other principles mentioned in resolution 1815 (XVII), namely the principles listed as (d), (e) and (g) in paragraph 4 above.

3. The work of the Special Committee established by General Assembly resolution 1966 (XVIII) ("the 1964 Special Committee")

6. The Special Committee established under General Assembly resolution 1966 (XVIII), referred to hereafter in the present report as the 1964 Special Committee^{10/} met in Mexico City at the invitation of the Government of Mexico, from 27 August to 2 October 1964, and adopted a report to the General Assembly^{11/}. That report stated

^{10/} The 1964 Special Committee was composed of the following twenty-seven member States: Argentina, Australia, Burma*, Cameroon, Canada, Czechoslovakia, Dahomey, France, Ghana, Guatemala, India, Italy, Japan, Lebanon, Madagascar, Mexico, Netherlands, Nigeria, Poland, Romania, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

* Burma was appointed to replace Afghanistan, one of the States originally appointed to serve in the Committee, which had resigned from membership before the Committee's session (see A/5689 and A/5727.)

^{11/} Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746.

that, in regard to the principle of sovereign equality of States, the 1964 Special Committee had unanimously adopted, on the recommendation of its Drafting Committee, a text setting out points of consensus and a list itemizing various proposals and views on which there was no consensus but for which there was support.^{12/} That was the only principle on which such a text was adopted by the 1964 Special Committee. On the principle concerning the prohibition of the threat or use of force, the Drafting Committee submitted two papers to the 1964 Special Committee;^{13/} the first of them (Paper No. 1) contained a draft text formulating points of consensus, but the second (Paper No. 2) stated that the 1964 Special Committee had been unable to reach any consensus on the scope or content of the principle. By majority votes the 1964 Special Committee decided as a matter of procedure, to put the second paper to the vote first and then adopted that paper.^{14/} The 1964 Special Committee was likewise unable to reach any

^{12/} For the text adopted on this principle by the 1964 Special Committee see ibid., para. 339. Four written proposals concerning the principle of sovereign equality of States were submitted to the 1964 Special Committee by Czechoslovakia (A/AC.119/L.6), by Yugoslavia (A/AC.119/L.7), by the United Kingdom of Great Britain and Northern Ireland (A/AC.119/L.8) and jointly by Ghana, India, Mexico and Yugoslavia (A/AC.119/L.28). On the submission of the latter joint proposal, Yugoslavia withdrew its original proposal. See texts of the foregoing proposals in Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5745, paras. 294 to 297.

^{13/} For the texts of these two papers see ibid., para. 106. In regard to the principle concerning the prohibition of the threat or use of force, four written proposals were submitted to the 1964 Special Committee by Czechoslovakia (A/AC.119/L.6), by Yugoslavia (A/AC.119/L.7), by the United Kingdom of Great Britain and Northern Ireland (A/AC.119/L.8) and jointly by Ghana, India and Yugoslavia (A/AC.119/L.15). On the submission of the latter joint proposal, Yugoslavia withdrew its original proposal. Italy introduced a written amendment (A/AC.119/L.14) to the United Kingdom proposal. See texts of the foregoing proposals and amendment in Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5745, paras. 27 to 31.

^{14/} Ibid., paras. 107 and 108.

consensus on the principle concerning the peaceful settlement of international disputes^{15/} and the principle concerning non-intervention.^{16/}

4. Action taken by the General Assembly at its twentieth session 17/

7. At its twentieth session, the General Assembly considered the report of the 1964 Special Committee, and also studied the three principles listed as (d), (e) and (g) in paragraph 4 above. In conjunction therewith, the Assembly considered an item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities", which had been

^{15/} Ibid., para. 201. In regard to the principle concerning the peaceful settlement of international disputes, five written proposals were submitted to the 1964 Special Committee by Czechoslovakia (A/AC.119/L.6), by Yugoslavia (A/AC.119/L.7), by the United Kingdom of Great Britain and Northern Ireland (A/AC.119/L.8), by Japan (A/AC.119/L.18) and jointly by Ghana, India, and Yugoslavia (A/AC.119/L.19). On the submission of the latter joint proposal, Yugoslavia withdrew its original proposal. Four written amendments to the United Kingdom proposal were submitted by France (A/AC.119/L.17), by Canada and Guatemala (A/AC.119/L.20), by the Netherlands (A/AC.119/L.21) and by Canada (A/AC.119/L.22). The amendment by Canada and Guatemala was later withdrawn by its sponsors. See texts of the foregoing proposals and amendments in Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, paras. 129 to 137.

^{16/} Ibid., para. 292. In regard to the principle concerning the duty not to intervene five written proposals were submitted to the 1964 Special Committee by Czechoslovakia (A/AC.119/L.6), by Yugoslavia (A/AC.119/L.7), by the United Kingdom of Great Britain and Northern Ireland (A/AC.119/L.8), by Mexico (A/AC.119/L.24) and jointly by Ghana, India and Yugoslavia (A/AC.119/L.27). On the submission of the latter joint proposal, Yugoslavia withdrew its original proposal. Two written amendments to the United Kingdom proposal were submitted by Guatemala (A/AC.119/L.25) and by the United States of America (A/AC.119/L.26). See text of the foregoing proposals and amendments in Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, paras. 203 to 209.

^{17/} The report of the 1964 Special Committee was not considered by the General Assembly at its nineteenth session. In view of the situation prevailing at the session (see Status of the Agenda of the Nineteenth Session, Note by the President of the General Assembly, Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 2, document A/5884, para. 6), the Secretary-General included the item relating to the report in the provisional agenda of the twentieth session of the General Assembly.

proposed by Madagascar for inclusion in the agenda of the nineteenth session of the General Assembly,^{18/} but in regard to which no decision on inclusion had been taken at that session; when proposed again by Madagascar, the item was included in the agenda of the twentieth session as item 94.^{19/}

8. At its twentieth session the General Assembly adopted resolution 2103 (XX) by which it decided to reconstitute the 1964 Special Committee, to be composed of the members of that Committee^{20/} and of four other Member States,^{21/} in order to complete the consideration and elaboration of the seven principles set forth in paragraph 4 above. The Special Committee as thus reconstituted was requested to continue the consideration of the four principles listed as (a), (b), (c) and (f), "having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters", to consider the three principles listed as (d), (e) and (g), and "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 General Assembly to adopt a declaration containing an enunciation of these principles". By part B of the same resolution the General Assembly requested the reconstituted Special Committee to take into consideration the request for inclusion in the agenda of the item proposed by Madagascar, which is mentioned in paragraph 8 above, and the discussion of that item at the twentieth session.

18/ Official Records of the General Assembly, Nineteenth Session, Annexes, document A/5757 and Add.1

19/ Ibid., Twentieth Session, Annexes, agenda items 90 and 94, document A/5937

20/ See footnote 10 above.

21/ Algeria, Chile, Kenya and Syria.

5. Work of the Special Committee as reconstituted by General Assembly resolution 2103 (XX); action taken by the General Assembly at its twenty-first, twenty-second and twenty-third sessions

9. The Special Committee, as reconstituted by General Assembly resolution 2103 (XX),^{22/} held sessions at United Nations Headquarters from 8 March to 25 April 1966, at the United Nations Office at Geneva from 17 July to 19 August 1967, at United Nations Headquarters from 9 to 30 September 1968 and at United Nations Headquarters from 18 August to 19 September 1969. At each session, the Special Committee adopted a report to the General Assembly.^{23/}

10. The reports of the Special Committee on its 1966, 1967, 1968 and 1969 sessions were considered by the General Assembly at its twenty-first, twenty-second, twenty-third and twenty-fourth sessions, respectively. That consideration resulted in the adoption by the General Assembly of resolutions 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967,^{24/} 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 3 December 1969.

^{22/} The Special Committee has had the same composition since 1966 namely the thirty-one Member States listed in paragraph 36 below.

^{23/} For the reports of the four sessions, see respectively Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230; ibid., Twenty-second Session, Annexes, agenda item 87, document A/6799; ibid., Twenty-third Session, agenda item 87, document A/7326; ibid., Twenty-fourth Session, Supplement No.19 (A/7619).

^{24/} The Sixth Committee, to which the General Assembly had referred the agenda item relating to the report of the 1967 Special Committee, also had before it a letter dated 8 November 1967 from the President of the General Assembly to the Chairman of the Sixth Committee (A/C.6/383) transmitting a communication from the Chairman of the Fourth Committee, reproduced in the annex to that document. The communication referred to the Fourth Committee's decision to transmit to the Chairman of the Sixth Committee, in connexion with the latter's consideration of the item on principles of international law concerning friendly relations and co-operation among States, the statements made by the representative of South Africa at the 1697th and 1704th meetings of the Fourth Committee, on 19 and 27 October 1967, during the discussion on Southern Rhodesia in connexion with agenda item 23 (Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples). The General Assembly had taken note of the Fourth Committee's decision at its 1594th plenary meeting on 3 November 1967.

11. A brief account by principle is given below of the work carried out by the Special Committee at each of its four sessions, in accordance with the terms of reference provided for in the relevant General Assembly resolutions, and of the action taken by the Assembly on the basis of the reports of the Special Committee on its 1966, 1967 and 1968 sessions (General Assembly resolutions 2181 (XXI), 2327 (XXII) and 2463 (XXIII)). The relevant provisions of General Assembly resolution 2533 (XXIV) are set out below in section D of this chapter, under the subject of terms of reference.

(a) Principle concerning the prohibition of the threat or use of force

12. The Special Committee considered this principle at its 1966, 1967, 1968 and 1969 sessions.^{25/} As indicated in paragraph 8 above, the General Assembly, by its resolution 2103 (XX), requested the reconstituted Special Committee to continue at its 1966 session the consideration of the principle. Five written proposals concerning the principle^{26/} were submitted to the Special Committee, at that session, by Czechoslovakia (A/AC.125/L.16, part I of a draft declaration); jointly by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (A/AC.125/L.21 and Add.1); jointly by Australia, Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.22),^{27/} by Chile (A/AC.125/L.23); and jointly by Italy and the Netherlands (A/AC.125/L.24). The Special Committee, at its 1966 session, took note of the report of the 1966 Drafting Committee that it had been unable to present an agreed formulation of the principle.^{28/}

^{25/} For the consideration by the 1964 Special Committee, see para. 6 above.

^{26/} For the texts of the proposals see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, paras. 25 to 29.

^{27/} This proposal contained in full the text of Paper No. 1, Section I, in para.106 of the report of the 1964 Special Committee (see paragraph 6 above), with certain additions.

^{28/} Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, para. 155.

13. By resolution 2181 (XXI), the General Assembly requested the Special Committee, at its 1967 session, to complete the formulation of the principle. At that session, the Special Committee had before it five proposals and an amendment in written form^{29/} concerning the principle, namely: the proposal by Czechoslovakia submitted to the Special Committee in 1966; the joint proposal by Australia, Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted to the Special Committee in 1966; a proposal by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44, part I of a draft declaration); an amendment by Italy and the Netherlands (A/AC.125/L.51) to the United Kingdom proposal; a joint proposal by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48, part I of a draft declaration)^{30/}; and a joint proposal by Argentina, Chile, Guatemala, Mexico and Venezuela (A/AC.125/L.49/Rev.1). The Special Committee referred the principle to the Drafting Committee. The Drafting Committee decided to transmit to the Special Committee for consideration the report of the Working Group to which the principle had been referred. That report listed points of agreement and points of disagreement.^{31/} The Special Committee took note of the report of the 1967 Drafting Committee and transmitted it to the General Assembly.^{32/}

^{29/} For the texts of the proposals and the amendment submitted at the 1967 session of the Special Committee see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799, paras. 24 to 27.

^{30/} The wording of the proposal was identical with the joint proposal submitted to the Special Committee in 1966 by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (see paragraph 12 above).

^{31/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799, para. 107.

^{32/} Ibid., para. 474.

14. By resolution 2327 (XXII), the General Assembly requested the Special Committee, at its 1968 session, to complete the formulation of the principle. No new written proposal or amendment concerning the principle was submitted at that session of the Special Committee.^{33/} The Special Committee had before it the five proposals and the amendment mentioned in paragraph 13 above. The Special Committee adopted the report of the 1968 Drafting Committee, to which the principle had been referred^{34/}. The Drafting Committee's report extended the points of agreement contained in the report of the Working Group at the 1967 session. It also contained points on which no agreement was reached and a number of proposals which had been submitted as a basis for further negotiations^{35/}.

15. By resolution 2463 (XXIII), the General Assembly requested the Special Committee, at its 1969 session, to endeavour to resolve all relevant questions relating to the formulation of the principle. The Special Committee had before it, at that session, the five proposals and the amendment submitted at its 1967 session (see paragraph 13 above), an amendment by Italy (A/AC.125/L.69) to the United Kingdom proposal, proposals submitted by Romania concerning certain elements of the principle (A/AC.125/L.70 and Corr. 1 (Russian only) and Corr. 2 (English only)), a proposal by the Union of Soviet Socialist Republics (A/AC.125/L.71) relating to paragraph 3 of the report of the 1968 Drafting Committee, a proposal by Cameroon, India and the United Arab Republic (A/AC.125/L.72/Rev.1) relating to paragraph 7 of the report of the 1968 Drafting Committee, and a proposal by the Union of Soviet Socialist Republics (A/AC.125/L.73) to paragraph 12 of the report of the 1968 Drafting Committee^{36/}.

^{33/} Official Records of the General Assembly, Twenty-third Session, agenda item 87, document A/7326, para. 21.

^{34/} Ibid., para. 134.

^{35/} For the text of the report of the Drafting Committee, see ibid., para. 111.

^{36/} For the texts of the proposals and amendment submitted in 1969 see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), paras. 33 and 36 to 39.

The principle was referred by the Special Committee to the Drafting Committee. The Drafting Committee took as a basis for its work the report of the Drafting Committee at the 1968 session which, as has been mentioned above, had been adopted by the Special Committee. It submitted a report to the Special Committee containing points of agreement on certain elements of the principle, including some on which there had previously been no consensus, points of which no agreement was reached, and a number of proposals to be considered further at a later stage of the work on the principle^{37/}. The Special Committee adopted the report of the 1969 Drafting Committee^{38/}.

(b) Principle concerning the peaceful settlement of international disputes

16. The Special Committee considered this principle at its 1966 and 1967 sessions.^{39/} As indicated in paragraph 8 above, the General Assembly in resolution 2103 (XX) requested the reconstituted Special Committee to continue at its 1966 session the consideration of the principle. At that session, the following four^{40/} written proposals concerning the principle were before the Special Committee: proposal by Czechoslovakia (A/AC.125/L.16, part II of a draft declaration); joint proposal by Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1), draft resolution by Chile (A/AC.125/L.26); and joint proposal by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.27). In 1966 the Drafting Committee submitted to the Special Committee certain recommendations concerning the principle. Those recommendations contained, first, a text setting out six points of consensus, and second, proposals and amendments submitted to the Special Committee on which the Drafting Committee reached no consensus. In introducing the report, the Chairman of the Drafting Committee made an explanatory statement.^{41/} The Special Committee adopted^{42/} unanimously the text setting out points of consensus on the principle which had been recommended by the Drafting Committee.

^{37/} For the text of the report of the 1969 Drafting Committee see ibid., para. 117

^{38/} Ibid., para. 136

^{39/} For the consideration by the 1964 Special Committee, see para. 6 above.

^{40/} For the texts of the proposals, see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, para. 158-161.

^{41/} Ibid., paras. 248 and 249.

^{42/} Ibid., para. 272.

17. By resolution 2181 (XXI), the General Assembly requested the Special Committee to examine at its 1967 session, any additional proposals with a view to widening the areas of agreement expressed in the 1966 formulation on the principle. Four written proposals and amendments^{43/} were before the Special Committee in 1967 with a view to widening the areas of agreement expressed in the 1966 formulation, namely: the joint proposal by Dahomey, Italy, Japan, Madagascar and the Netherlands submitted in 1966; operative paragraph 4 of the draft resolution submitted by Chile in 1966; the joint proposal by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia submitted in 1966; and the proposal contained in part II of the draft declaration (A/AC.125/L.44) submitted by the United Kingdom of Great Britain and Northern Ireland in 1967. At its 1967 session, the Special Committee referred the principle to the Drafting Committee. The Drafting Committee, having referred the principle to a Working Group, submitted to the Special Committee a report^{44/} in which it took note of and transmitted to the Special Committee for its information, the report of the Working Group. The Working Group's report stated that it was agreed on the desirability of maintaining the areas of agreement already achieved in the formulation agreed by the 1966 Special Committee and set out various positions on a number of additional proposals. The Special Committee took note of the report of the 1967 Drafting Committee and transmitted it to the General Assembly^{45/}.

18. By resolution 2463 (XXIII), the General Assembly requested the Special Committee to endeavour to resolve, at its 1969 session, all relevant questions relating to the formulation of the seven principles. In accordance with the understanding recorded in paragraph 20 of its 1969 report, the Special Committee agreed to give priority at its 1969 session to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples. Since the Special Committee was not able in the time allotted to conclude its work on the two principles which had been accorded priority, it did not consider at that session any question relating to the formulation of the principle concerning the peaceful settlement of international disputes.^{46/}

^{43/} For the texts of the proposals and amendments see Ibid., Twenty-second Session, Annexes, agenda item 87, document A/6799, paras. 371 to 374.

^{44/} Ibid., para. 438

^{45/} Ibid., para. 474

^{46/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No.19 (A/7619), para.23.

(c) Principle concerning non-intervention

19. The Special Committee considered this principle at its 1966 and 1967 sessions. As indicated in paragraph 8 above, the General Assembly, by its resolution 2103 (XX), requested the reconstituted Special Committee to continue at its 1966 session the consideration of the principle. At that session, the following written proposals and amendments concerning the principle were submitted to the Special Committee^{47/}: joint proposal by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (A/AC.125/L.12); amendments by Ghana (A/AC.125/L.18) to the foregoing proposal; revised joint proposal by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (A/AC.125/L.12/Rev.1 and Corr.1); joint proposal by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (A/AC.125/L.13); joint proposal by Australia and Italy (A/AC.125/L.30); and proposal by Czechoslovakia (A/AC.125/L.16, part III). Also at that session the Special Committee, by a majority vote, adopted a procedural resolution whereby it decided that "the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965" (the resolution entitled "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty"), and instructed the Drafting Committee to direct its work on the principle "towards the consideration of additional proposals, with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)".^{48/} The report of the Drafting Committee, that no agreement was reached on the additional proposals made, was taken note of by the Special Committee.^{49/}

20. By resolution 2181 (XXI), the General Assembly requested the Special Committee, at its 1967 session, to consider proposals on the principle with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX). The following proposals^{50/} in written form had been submitted to the Special Committee^{51/}:

^{47/} For the texts of the proposals see Official Records of the General Assembly, Twenty-first session, Annexes, agenda item 87, document A/6230, paras. 276 to 280, and 287.

^{48/} Ibid., Twenty-first Session, Annexes, agenda item 87, document A/6230, paras. 274 and 341.

^{49/} Ibid., para. 353.

^{50/} Ibid., Twenty-second Session, Annexes, agenda item 87, document A/6799, paras. 303 to 307.

^{51/} The revised joint proposal submitted in 1966 by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (A/AC.125/L.12/Rev.1 and Corr.1) was withdrawn by its sponsors at the 1967 session.

joint proposal by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted in 1966; proposal contained in part III of the draft declaration submitted by Czechoslovakia in 1966; joint proposal by Australia and Italy submitted in 1966; proposal contained in part III of the draft declaration submitted by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44); and joint draft resolution by Argentina, Cameroon, Chile, Czechoslovakia, Ghana, Guatemala, India, Kenya, Mexico, Nigeria, Poland, Union of Soviet Socialist Republics and Venezuela (A/AC.125/L.54). The Special Committee referred the principle to the Drafting Committee. The Drafting Committee took note that there was no report from the Working Group to which the principle had been referred, and reported accordingly to the Special Committee.^{52/} The Special Committee took note of the Drafting Committee's report and transmitted it to the General Assembly.^{53/}

21. By resolution 2327 (XXII), the General Assembly requested the Special Committee, at its 1968 session, to consider proposals compatible with General Assembly resolution 2131 (XX), with the aim of widening the area of agreement already expressed in that resolution. At its 1968 session, the Special Committee decided that, owing to the lack of time, it was unable to consider the item of its agenda relating to the principle.^{54/}

22. By resolution 2463 (XXIII), the General Assembly requested the Special Committee, at its 1969 session, to endeavour to resolve all relevant questions relating to the formulation of the seven principles. In accordance with the understanding recorded in paragraph 20 of its 1969 report, the Special Committee agreed to give priority at its

^{52/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799.

^{53/} Ibid., para. 474.

^{54/} Official Records of the General Assembly, Twenty-third Session, agenda item 87, document A/7326, para. 204.

1969 session to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples. Since the Special Committee was not able in the time allotted to conclude its work on the two principles which had been accorded priority, it did not consider at that session any questions relating to the formulation of the principle of non-intervention.^{55/}

(d) Principle concerning the duty of States to co-operate with one another

23. The Special Committee considered this principle at its 1966 and 1967 sessions. As indicated in paragraph 8 above, the General Assembly, by its resolution 2103 (XX), requested the reconstituted Special Committee to consider the principle at its 1966 session. Three written proposals concerning the principle were submitted to the Special Committee at that session: by Czechoslovakia (A/AC.125/L.16, part V of a draft declaration); jointly by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.28); and jointly by Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.29). Chile submitted amendments (A/AC.125/L.30) to the last proposal.^{56/} The Special Committee, at its 1966 session, took note of a report by the Drafting Committee that it had been unable to present an agreed formulation on the principle.^{57/}

^{55/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799.

^{56/} For the texts of the proposals and amendments see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, paras. 415 to 418.

^{57/} Ibid., paras. 454 and 567. See also the statement of the Chairman of the Special Committee which included a suggested formulation of the principle (ibid., para. 570).

24. By resolution 2181 (XXI), the General Assembly requested the Special Committee to complete, at its 1967 session, the formulation of the principle. At that session, six proposals and three amendments in written form were before the Committee, namely: the three proposals and the amendments submitted to the Committee at the 1966 session (see the preceding paragraph); a proposal submitted by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44, part V of a draft declaration); an amendment by Italy (A/AC.125/L.46) to the United Kingdom proposal; an amendment by Canada (A/AC.125/L.52) to the United Kingdom proposal; a first paragraph proposed by Romania (A/AC.125/L.45 and Corr.1); and a joint proposal submitted by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48, part of a draft declaration).^{58/} The Special Committee referred the principle to the Drafting Committee. The Drafting Committee, having referred the principle to a Working Group, accepted the text on the principle set out in the Working Group's report as expressing the consensus of the Drafting Committee and reported to the Special Committee accordingly.^{59/} The Special Committee took note of the report of the 1967 Drafting Committee and transmitted it to the General Assembly.^{60/}

25. By resolution 2463 (XXIII), the General Assembly requested the Special Committee to endeavour to resolve, at its 1969 session, all relevant questions relating to the formulation of the seven principles. In accordance with the understanding recorded in paragraph 20 of its 1969 report, the Special Committee agreed to give priority at its 1969 session to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples. Since the Special Committee was not able in the time allotted to conclude its work on the two principles which had been accorded priority, it did not consider at that session any questions relating to the formulation of the principle concerning the duty of States to co-operate with one another.^{61/}

^{58/} For the texts of the proposals and the amendments submitted to the Special Committee in 1967, see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799, paras. 119 to 123.

^{59/} Ibid., para. 161.

^{60/} Ibid., para. 474.

^{61/} Ibid., Twenty-fourth Session, Supplement No. 19 (A/7619), para. 23.

(e) Principle concerning equal rights and self-determination of peoples

26. The Special Committee considered this principle at its 1966, 1967, 1968 and 1969 sessions. As indicated in paragraph 8 above, the General Assembly, by its resolution 2103 (XX), requested the reconstituted Special Committee to consider the principle at its 1966 session. In connexion with the above principle, three written proposals and one amendment ^{62/} were submitted to the Special Committee at that session: proposal by Czechoslovakia (A/AC.125/L.16, part VI of a draft declaration); joint proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.31 and Add.1 to 3); proposal by the United States of America (A/AC.125/L.32); and amendment by Lebanon (A/AC.125/L.34) to the proposal of the United States of America. The Special Committee, at its 1966 session, took note of a report by the Drafting Committee that it had been unable to present an agreed formulation of the principle. ^{63/}

27. By resolution 2181 (XXI), the General Assembly requested the Special Committee, at its 1967 session, to complete the formulation of the principle. At that session, the Special Committee had before it seven ^{64/} written proposals and amendments. In addition to the three proposals and the amendment submitted in 1966 (see the preceding paragraph), the following new proposals were submitted to the Special Committee in 1967: proposal by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44, part VI of a draft declaration); joint proposal by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48, part of a draft declaration); and amendment by Ghana (A/AC.125/L.50) to the latter proposal. The Special Committee referred the principle to the Drafting Committee. The Drafting Committee, having considered the report of the Working Group to which the principle had been referred, concluded that the areas of agreement recorded in that report were hardly sufficient to justify transmitting it to the Special Committee for its information. ^{65/} The Special Committee took note of the report of the 1967 Drafting Committee and transmitted it to the General Assembly. ^{66/}

^{62/} For the texts of the proposals and the amendment, see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, paras. 457-460.

^{63/} Ibid., paras. 520 and 567.

^{64/} Ibid., Twenty-second Session, Annexes, agenda item 87, document A/6799, paras.171-178.

^{65/} Ibid., para. 231.

^{66/} Ibid., para. 474.

28. By resolution 2327 (XXII), the General Assembly requested the Special Committee to complete, at its 1968 session, the formulation of the principle. No new written proposals or amendments concerning the principle were submitted at the 1968 session of the Special Committee. At that session, the Special Committee adopted ^{67/} the report of the Drafting Committee, ^{68/} to which the principle had been referred. The report stated that, owing to the lack of time, the Drafting Committee had not been able to carry out a study in depth of the proposals concerning the principle.

29. By resolution 2463 (XXIII), the General Assembly requested the Special Committee, at its 1969 session, to endeavour to resolve all relevant questions relating to the formulation of the principle. At that session a new proposal was added to those submitted to the Special Committee at its 1966 and 1967 sessions (see paras. 26 and 27 above), namely the joint proposal by Czechoslovakia, Poland, Romania and the Union of Soviet Socialist Republics (A/AC.125/L.74). ^{69/} The principle was referred by the Special Committee to the Drafting Committee. The Drafting Committee submitted to the Special Committee a report ^{70/} on the principle containing points of agreement on certain elements of the principle, points on which no agreement was reached, and also texts of proposals advanced for discussion. The Special Committee adopted ^{71/} the report of the Drafting Committee.

(f) Principle concerning the sovereign equality of States

30. The Special Committee considered this principle at its 1966 and 1967 sessions. As indicated in paragraph 8 above, the General Assembly in resolution 2103 (XX) requested the reconstituted Special Committee to continue its consideration of the principle at its 1966 session. At that session, the Special Committee based its consideration of the principle on the formulation adopted unanimously by the 1964 Special Committee. ^{72/} Six amendments to that formulation and one sub-amendment were

^{67/} Official Records of the General Assembly, Twenty-third Session, agenda item 87, document A/7326, para. 203.

^{68/} Ibid., para. 192.

^{69/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619) para. 145.

^{70/} Ibid., para. 180.

^{71/} Ibid., para. 192.

^{72/} For the consideration by the 1964 Special Committee see para. 6 above.

submitted, namely: amendment by Czechoslovakia (A/AC.125/L.8; later reproduced, as modified, in part IV of the Czechoslovakia draft declaration (A/AC.125/L.16)); sub-amendment by Cameroon (A/AC.125/L.10) to the amendment by Czechoslovakia; amendment by the United States of America (A/AC.125/L.5); amendment by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.6); amendment by the United Arab Republic (A/AC.125/L.9); amendment by Kenya (A/AC.125/L.7); and amendment by Ghana (A/AC.125/L.11). ^{73/} In 1966 the Drafting Committee submitted to the Special Committee certain recommendations concerning the principle. These recommendations contained, first, a text setting out several points of consensus, and second, proposals and amendments submitted to the Special Committee on which the Drafting Committee reached no consensus. ^{74/} The Special Committee adopted unanimously the text setting out points of consensus which had been recommended by the Drafting Committee. ^{75/}

31. By resolution 2181 (XXI), the General Assembly requested the Special Committee to examine additional proposals with a view to widening the areas of agreement expressed in the 1966 formulation on the principle. At its 1967 session, six written amendments were before the Committee with a view to widening the areas of agreement expressed in the 1966 formulation, namely the amendments submitted in 1966 by Czechoslovakia, by the United States of America, by the United Arab Republic, by Kenya and by Ghana (see the preceding paragraph), and an amendment submitted by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44, new sub-paragraph (g) in part IV of the United Kingdom draft declaration). ^{76/} At its 1967 session, the Special Committee referred the principle to the Drafting Committee. The Drafting Committee, having referred the principle to a Working Group, submitted to the Special Committee a report in which it took note of and transmitted to the Special Committee for its information,

^{73/} For the texts of the amendments and sub-amendment, see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, paras. 358 to 364.

^{74/} Ibid., para. 403.

^{75/} Ibid., para. 413.

^{76/} For the text of the United Kingdom amendment, see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799, para. 416. See also note at the end of the draft declaration submitted in 1967 by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48), ibid., para. 410.

the report of the Working Group. The Working Group's report stated that it was agreed on the desirability of maintaining the consensus text agreed by the 1966 Special Committee and set out various positions on a number of additional proposals. ^{77/} The Special Committee took note of the 1967 report of the Drafting Committee and transmitted it to the General Assembly. ^{78/}

32. By resolution 2463 (XXIII); the General Assembly requested the Special Committee to endeavour to resolve, at its 1969 session, all relevant questions relating to the formulation of the seven principles. In accordance with the understanding recorded in paragraph 20 of its 1969 report, the Special Committee agreed to give priority at its 1969 session to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples. Since the Special Committee was not able in the time allotted to conclude its work on the two principles which had been accorded priority, it did not consider at that session any question relating to the formulation of the principle concerning the sovereign equality of States. ^{79/}

(g) Principle concerning the good faith fulfilment of Charter obligations

33. The Special Committee considered this principle at its 1966 and 1967 sessions. As indicated in paragraph 8 above, the General Assembly, by its resolution 2103 (XX), requested the reconstituted Special Committee to consider the principle at its 1966 session. Three written proposals were submitted to the Special Committee at that session: by Czechoslovakia (A/AC.125/L.16, part VII of a draft declaration); jointly by Burma, Ghana, India, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.35); and jointly by the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.37). ^{80/} In 1966 the Special Committee took note of a report of the Drafting Committee that it was unable to present an agreed formulation of the principle. ^{81/}

^{77/} Ibid., para. 438.

^{78/} Ibid., para. 474.

^{79/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), para. 23.

^{80/} For the texts of the proposals see Official Records of the General Assembly, Twenty-first session, Annexes, agenda item 87, document A/6230, paras. 523 to 525.

^{81/} Ibid., para. 565.

34. By resolution 2181 (XXI), the General Assembly requested the Special Committee to complete, at its 1967 session, the formulation of the principle. At that session six written proposals were before the Special Committee, namely: the three proposals submitted to the Special Committee in 1966 (see the preceding paragraph): a proposal of the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44, part VII of a draft declaration); a proposal of Ghana (A/AC.125/L.47); and a joint proposal of Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48, part of a draft declaration). ^{82/} The Special Committee referred this principle to the Drafting Committee. The Drafting Committee, having referred the principle to a Working Group, accepted the text on the principle set out in the Working Group's report as expressing the consensus of the Drafting Committee and reported to the Special Committee accordingly. ^{83/} The Special Committee took note of the report of the 1967 Drafting Committee and transmitted it to the General Assembly. ^{84/}

35. By resolution 2463 (XXIII), the General Assembly requested the Special Committee to endeavour to resolve, at its 1969 session, all relevant questions relating to the formulation of the seven principles. In accordance with the understanding recorded in paragraph 20 of its 1969 report, the Special Committee agreed to give priority at its 1969 session to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples. Since the Special Committee was not able in the time allotted to conclude its work on the two principles which had been accorded priority, it did not consider at that session any question relating to the formulation of the principle concerning the good faith fulfilment of Charter obligations. ^{85/}

C. Composition of the Special Committee

36. In accordance with General Assembly resolutions 1966 (XVIII), 2103 (XX) and 2533 (XXIV), the Special Committee is composed of the following thirty-one Member States: Algeria, Argentina, Australia, Burma, Cameroon, Canada, Chile, Czechoslovakia,

^{82/} For the texts of the proposals submitted in 1967, see ibid., Twenty-second session, Annexes, agenda item 87, document A/6799, paras. 240 to 242.

^{83/} Ibid., para. 285.

^{84/} Ibid., para. 474.

^{85/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), para. 23.

Dahomey, France, Ghana, Guatemala, India, Italy, Japan, Kenya, Lebanon, Madagascar, Mexico, Netherlands, Nigeria, Poland, Romania, Sweden, Syria, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia. The list of representatives at the 1970 session is contained in the annex to the present report.

D. Terms of reference given to the Special Committee by General Assembly resolution 2533 (XXIV)

37. By resolution 2533 (XXIV), the General Assembly took note of the report of the Special Committee on its 1969 session, and decided to ask the Special Committee to meet in 1970 in order to continue and complete its work. Also by resolution 2533 (XXIV), the General Assembly:

"....

"4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the present session and the previous sessions of the General Assembly and in the 1964, 1966, 1967, 1968 and 1969 sessions of the Special Committee, to endeavour to resolve, in the light of General Assembly resolution 2327 (XXII), the remaining questions relating to the formulation of the seven principles, in order to complete its work, and to submit to the General Assembly at its twenty-fifth session a comprehensive report containing a draft declaration on all of the seven principles;

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

...."

38. General Assembly resolution 2533 (XXIV) reproduced without change the text of the draft resolution recommended by the Sixth Committee. Paragraph 7 of the report of the Sixth Committee (A/7809) read as follows:

"At the time of the introduction of the draft resolution it was stated that it was the understanding of the sponsors that there was a consensus that the Special Committee should first devote itself to completing the work on the formulations of the principle prohibiting the threat or use of force and the principle of equal rights and self-determination of peoples and that it should

then address itself to other work relating to other principles and to the preparation of a draft declaration. This understanding was wholly without prejudice to the positions of any delegations that had been taken with regard to any particular principle concerning friendly relations."

39. Paragraph 35 of the same report summarized the expressed views concerning the terms of reference of the Special Committee as follows:

"The general agreement on the issue was embodied in paragraph 4 of the draft resolution and in the understanding expressed when the draft resolution was submitted to the Sixth Committee (see para. 7 above)".

E. Celebration of the twenty-fifth anniversary of the United Nations

40. In its resolution 2499 (XXIV) of 31 October 1969 entitled "Celebration of the twenty-fifth anniversary of the United Nations", the General Assembly invited the Special Committee to expedite its work, at its 1970 session, with a view to facilitating the adoption of an appropriate document by the General Assembly during the commemorative session ^{86/}.

F. Consultations preceding the session

41. In accordance with operative paragraph 5 of General Assembly resolution 2533 (XXIV), members of the Special Committee undertook consultations and other preparatory measures before the 1970 session of the Special Committee. In particular, members of the 1969 Drafting Committee held informal consultations at Geneva from 16 to 20 February 1970.

G. Organization of the 1970 session of the Special Committee

42. By operative paragraph 3 of resolution 2533 (XXIV), the General Assembly asked the Special Committee "to meet in the first half of 1970 at Geneva or at any other suitable place for which the Secretary-General receives an invitation". No such invitation having been received, the Special Committee met at the United Nations Office at Geneva in the course of a five week session from 31 March to 1 May 1970. At the first meeting of its session (110th meeting), on 31 March 1970, the Special Committee elected the Chairman, the Vice-Chairmen and the Rapporteur. The officers so elected were the following;

<u>Chairman:</u>	Mr. Sergio González Gálvez (Mexico)
<u>Vice-Chairmen:</u>	Mr. Aurel Cristescu (Romania)
	Mr. El Sayed Abdel Raouf El-Reedy (United Arab Republic)
<u>Rapporteur:</u>	Mr. Gaetano Arangio-Ruiz (Italy)

^{86/} Operative paragraph 10 of the resolution.

43. The session was opened on behalf of the Secretary-General by Mr. Anatoly P. Movchan, Director of the Codification Division of the Office of Legal Affairs, who represented the Secretary-General at the session and acted as Secretary of the Special Committee. Mr. Santiago Torres-Bernárdez, Mr. Vladimir Prusa, Mr. Eduardo Valencia-Ospina and Mr. Kenneth Keith served as Assistant Secretaries.

44. At the first meeting of the session (110th meeting), on 31 March 1970, the Special Committee adopted the following agenda (A/AC.125/L.78):

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. Election of the Vice-Chairmen and of the Rapporteur.
5. Organization of the work.
6. Completion of the Special Committee's work, in the light of the debate which took place in the Sixth Committee during the twenty-fourth and previous sessions of the General Assembly and in the 1964, 1966, 1967, 1968 and 1969 sessions of the Special Committee, by endeavouring to resolve, in the light of General Assembly resolution 2327 (XXII), the remaining questions relating to the formulation of the seven principles (General Assembly resolution 2533 (XXIV), para. 4).
7. Submission to the General Assembly at its twenty-fifth session of a comprehensive report containing a draft Declaration on all of the seven principles (General Assembly resolution 2533 (XXIV), para. 4).

45. At the 111th and 112th meetings, on 1 and 2 April 1970, the Special Committee discussed the organization of its work. At the first of these two meetings the Special Committee, on the suggestion of its Chairman, decided to start with a review of the informal consultations held at Geneva in February 1970 (see paragraph 41 above), which had helped to define more clearly the points on which there was still no agreement, and then to appoint a drafting committee.

46. At the 111th meeting, the Chairman reported orally to the Special Committee on the informal consultations held at Geneva in February 1970. After having stressed that the consulting delegations had merely discussed what they considered the most important of the questions pending, that none of the suggestions made committed either the delegation making it or any of the other delegations present at the consultations and that no substantive decisions had been taken, the Chairman reviewed before the Special Committee various possible solutions suggested during the informal consultations with regard to a certain number of questions involved in the formulation of the principle concerning the prohibition of the threat or use of force and the principle concerning equal rights and self-determination of peoples. ^{87/}

^{87/} The results of the informal consultations on pending questions relating to those two principles, as recorded in the Chairman's statement, is given below in Chapter II of the present report (paragraphs 54 and 65) under the principle concerned.

47. At its 112th meeting, on 2 April 1970, the Special Committee agreed to the suggestion of its Chairman that the Drafting Committee for the 1970 session be constituted as follows: Argentina; Australia; Cameroon; Chile; Czechoslovakia; France; India, Lebanon and Syria (the three delegations shared two seats, it being understood that each delegation could take part in the discussion of any question and that that did not imply any increase in the total number of seats); Japan; Kenya and the United Arab Republic (joint membership, each of the two delegations to take part according to the questions under discussion); Mexico; Netherlands and Sweden (joint membership, each of the two delegations to take part according to the questions under discussion); Nigeria; Union of Soviet Socialist Republics; United Kingdom of Great Britain and Northern Ireland; United States of America and Yugoslavia. It was further agreed that the Rapporteur could participate ex officio in the proceedings of the Drafting Committee. At the same meeting, on the suggestion of its Chairman, the Special Committee elected Mr. Hisashi Owada (Japan) as Chairman of the Drafting Committee.

48. Having in mind the terms of reference of the Special Committee (see paragraphs 37 to 39 above), it was generally agreed to concentrate at the present session first on completing the work on the formulations of the principle of the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples and then on the other work relating to other principles and to the preparation of the preamble and general provisions of the draft declaration on all the seven principles. The Special Committee decided to dispense with the general debate which at earlier sessions had preceded the consideration of the principles referred to the Special Committee. The Drafting Committee, at the first stage of its work, considered the remaining points relating to the formulation of the principle of equal rights and self-determination of peoples and the principle of the prohibition of the threat or use of force. The Chairman of the Drafting Committee made a progress report to the Special Committee at its 113th meeting, on 10 April 1970. Consultations at an informal level took their place, co-ordinated by the Chairman of the Special Committee. At the final stage of the session, the Drafting Committee considered the solutions reached in the informal meetings and adopted a report containing a draft declaration on all of the seven principles. Subsequently, the Special Committee considered the report of the Drafting Committee and took decisions thereon.

II. COMPLETION OF THE SPECIAL COMMITTEE'S WORK, IN THE LIGHT OF THE DEBATE WHICH TOOK PLACE IN THE SIXTH COMMITTEE DURING THE TWENTY-FOURTH AND PREVIOUS SESSIONS OF THE GENERAL ASSEMBLY AND IN THE 1964, 1966, 1967, 1968 AND 1969 SESSIONS OF THE SPECIAL COMMITTEE, BY ENDEAVOURING TO RESOLVE, IN THE LIGHT OF GENERAL ASSEMBLY RESOLUTION 2327 (XXII), THE REMAINING QUESTIONS RELATING TO THE FORMULATION OF THE SEVEN PRINCIPLES

A. Preparation of a draft declaration on all of the seven principles.

1. Preamble of a draft declaration

Written proposals and amendments

49. The Special Committee had before it the proposals for a preamble contained in the draft declarations submitted in 1966 by Czechoslovakia (A/AC.125/L.16)^{88/} and in 1967 by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44)^{89/} and jointly by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48)^{90/}. In addition, a joint proposal by Argentina, Guatemala, Mexico and Venezuela (A/AC.125/L.82 and Corr.1, French only) and an amendment by Czechoslovakia and the Union of Soviet Socialist Republics (A/AC.125/L.85) were submitted to the Special Committee in 1970^{91/}. The texts of the foregoing joint proposal and amendment are given below.

50. Joint proposal submitted in 1970 by Argentina, Guatemala, Mexico and Venezuela (A/AC.125/L.82 and Corr.1 French only):

"Insert the following sentence in the preamble:

'The General Assembly ...

'Convinced that the principle of self-determination of peoples, as enunciated in resolution 1514 (XV), constitutes a significant contribution to contemporary international law,

.....!"

51. Amendment^{92/} submitted in 1970 by Czechoslovakia and the Union of Soviet Socialist Republics (A/AC.125/L.85):

"1. In the sixteenth paragraph, after the words "relevant resolutions", insert a comma followed by the words "and in particular of the Declaration on the granting of independence to colonial countries and peoples,".

^{88/} For the text, see Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87, document A/6230, para. 24, footnote 6.

^{89/} For the text, see ibid., Twenty-second Session, Annexes, agenda item 87, document A/6799, para. 454.

^{90/} For the text, see ibid., para. 455.

^{91/} See also the statement made by the representative of Romania at the 112th meeting of the Special Committee (A/AC.125/SR.112).

^{92/} Relating to the text of the preamble as reproduced in the report of the Drafting Committee (A/AC.125/L.86), see para.83 below.

"2. In consequence of this amendment, delete the thirteenth and fifteenth paragraphs."

2. 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

(a) Report of the Drafting Committee adopted by the Special Committee at its 1969 session

52. The report of the Drafting Committee on 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, which was adopted by the Special Committee in 1969 (see paragraph 15 above), read as follows:^{93/}

The Drafting Committee considered all proposals on an equal footing. It took as a basis for its work the report of the Drafting Committee at the 1968 session which had been adopted by the Special Committee (see A/7326, paragraphs 111 and 134). In view of the close interrelationship between the various components of the principle it was recognized that agreement on one particular point would not prejudice the position of members with regard to other points or to the statement of the principle as a whole. It was also understood that questions of drafting were of great importance.

The Drafting Committee decided not to discuss those points of the principle on which statements were agreed in 1968. For convenience, these points (points 1, 2, 4 and 11) are included below.

1. General prohibition of force

There was agreement on the following statement:

"Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

"Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues."

2. Consequences and corollaries of the prohibition of the threat or use of force

There was agreement on the following statements:

"A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

"In accordance with the Purposes and Principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression."

^{93/} Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), para. 117.

3. Use of force in territorial disputes and boundary problems

There was agreement on the following statement:

"Every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States."

The possibility was discussed of including sub-paragraphs on the following lines:

"Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation /lines of territorial demarcation/ which are established by an international agreement binding on it or by a decision of the Security Council, or which it is otherwise mandatory under international law for it to respect.

"Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status of such lines under their special régimes or as affecting their temporary character."

4. Acts of reprisal

There was agreement on the following statement:

"States have a duty to refrain from acts of reprisal involving the use of force."

5. Organization of armed bands

There was agreement on the following statement:

"Every State has the duty to refrain from organizing or encouraging the organization of irregular or volunteer forces or armed bands, including mercenaries, for incursion into the territory of another State."

A proposal was made to supplement the agreed formulation as follows:

"This provision, in so far as it concerns volunteer forces, shall not apply to cases affecting the application of Article 51 of the Charter or the right of peoples of dependent Territories to self-determination."

The view was expressed that the following words should be added to this formulation:

"when the acts referred to in the present paragraph involve a threat or use of force."

6. Instigation of civil strife and terrorist acts

There was agreement in principle that every State has the duty to refrain from involvement in civil strife and terrorist acts in another State. Accordingly, the possibility was discussed of including a statement on the following lines:

"Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force."

A proposal was made to supplement both points 5 and 6 as follows:

"Peoples subjected to colonial oppression are entitled in their legitimate struggle to seek and to receive all support in accordance with the purposes and principles of the Charter and with the provisions of resolution 1514 (XV)."

7. Military occupation and non-recognition of situations brought about by the illegal threat or use of force

There was agreement on the following statement, subject however to whether or not the words in square brackets are to be included:

"The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force [in contravention of the provisions of the Charter] shall be recognized as legal. The foregoing is without prejudice to action taken by the Security Council in accordance with the provisions of the Charter."

7-A. A proposal was made to add a paragraph to read as follows:

"Likewise, the Territory/area [which constitutes the common heritage of mankind] [in which mankind has a common interest] may not, on any ground whatsoever, be the object of military occupation or acquisition by any State, resulting from the threat or use of force; nor shall any such occupation or acquisition be recognized by any State."

The proposal was considered. It was decided to consider it further at a later stage of the work on this item.

8. Armed force or repressive measures against colonial peoples, the position of Territories under colonial rule, and the Charter obligations with respect to dependent Territories

There was no agreement on the inclusion of a statement on the duty of States to refrain from the use of force against peoples of dependent Territories. Nevertheless, the following formula was advanced with a view to providing a basis for discussion:

"Every State has the duty to refrain from [the threat or use of force] [any forcible action] which deprives [dependent peoples] [peoples under foreign domination] [peoples under foreign domination as well as under any other form of colonialism] [peoples under foreign domination or colonial peoples] of their right to self-determination and freedom and independence."

9. Economic, political and other forms of pressure

See Other decisions taken by the Drafting Committee below.

10. Agreement for general and complete disarmament under effective international control

There was agreement on the following statement:

"All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States."

11. Making the United Nations security system more effective

There was agreement on the following statement:

"All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based upon the Charter more effective."

12. Legal use of force

There was agreement that the following statement shall be included:

"Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful."

A number of delegations continued to believe that the use of force by peoples of dependent Territories in self-defence against colonial domination in the exercise of their right of self-determination was a lawful use of force under the Charter and that this should be stated in the formulation of this principle.

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Other decisions taken by the Drafting Committee

Military, political, economic coercion

The possibility was discussed of including at an appropriate place in the declaration the following statement:

"Every State has the duty to refrain in its international relations from the military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State."

(b) Written proposals and amendments

53. In regard to this principle, no new written proposal or amendment was submitted at the Special Committee's present session. The Special Committee had before it the proposals and the amendments mentioned in the report^{94/} of the 1969 Special Committee, namely:

- (a) The proposal contained in part I of the draft declaration submitted in 1966 by Czechoslovakia (A/AC.125/L.16);
- (b) The proposal submitted in 1966 by Australia, Canada, the United Kingdom of Great Britain and Northern Ireland, and the United States of America (A/AC.125/L.22);
- (c) The proposal contained in part I of the draft declaration submitted in 1967 by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44);

^{94/} For the texts of the proposals and amendments, see Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), paras. 29 to 39.

- (d) The amendments submitted in 1967 by Italy and the Netherlands to the foregoing United Kingdom proposal (A/AC.125/L.51);
 - (e) The amendment submitted in 1969 by Italy to the foregoing United Kingdom proposal (A/AC.125/L.69);
 - (f) The proposal contained in part I of the draft declaration submitted in 1967 by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48), the wording of that proposal being identical with the proposal submitted in 1966 by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia and reproduced in paragraph 26 of the report of the 1966 Special Committee;
 - (g) The proposal submitted in 1967 by Argentina, Chile, Guatemala, Mexico and Venezuela (A/AC.125/L.49/Rev.1);
 - (h) The proposals concerning certain elements of the principle submitted in 1969 by Romania (A/AC.125/L.70, and Corr.1 (Russian only) and Corr.2 (English only));
 - (i) The proposal submitted in 1969 by the Union of Soviet Socialist Republics relating to paragraph 3 of the report of the 1968 Drafting Committee (A/AC.125/L.71);
 - (j) The proposal submitted in 1969 by Cameroon, India and the United Arab Republic relating to paragraph 7 of the report of the 1968 Drafting Committee (A/AC.125/L.72/Rev.1);
 - (k) The proposal submitted in 1969 by the Union of Soviet Socialist Republics relating to paragraph 12 of the report of the 1968 Drafting Committee (A/AC.125/L.73).
- (c) Statement made by the Chairman of the Special Committee on the informal consultations preceding the session and observations thereon

54. As indicated in paragraph 46 above, the Chairman of the Special Committee reported orally to the Committee, at its 111th meeting, various possible solutions suggested during the informal consultations preceding the session with regard to a certain number of pending questions concerning the principle of the prohibition of the threat or use of force. The Chairman's statement, which should be read in conjunction with the report of the 1969 Drafting Committee on this principle (see paragraph 52 above), was as follows (A/AC.125/SR.111):

"Use of force in territorial disputes and boundary problems

..... the consulting delegations had in particular considered the possibility of a reference to the concept of "lines of territorial demarcation", as a corollary of the general principle prohibiting the threat or use of force. As stated in the report of the Drafting Committee there was agreement on a text on the need to prohibit force in territorial disputes but there were also two additional draft sub-paragraphs, the first of which contained the expression "international lines of demarcation" or "lines of territorial demarcation".

One representative had felt that any reference to territorial disputes and to boundary problems was unnecessary and might lead to interpretations not in conformity with the general character of the prohibition contained in Article 2(4). Of course, if a reference were made to such disputes and problems, the prohibition should include not only the violation of boundaries but also of any line of demarcation. In order to avoid misinterpretations of the general prohibition, the elimination of point 3 of the Drafting Committee's report would be preferable. Such an approach would also allow the avoidance of the issue of lines of demarcation. Another representative had considered that reference might be made to "lines of demarcation agreed to by the parties", and that it should not be mentioned that such lines could be established by a decision of the Security Council. Yet another had suggested, on the other hand, that only lines of territorial demarcation established by decisions of the Security Council should be mentioned and that the words "or which it is otherwise mandatory under international law for it to respect" should be deleted since they were unduly vague and open to differing interpretations. There had also been a suggestion, supported by some delegations, that an interpretative text on the difference between cease-fire lines and lines of territorial demarcation should be included in the declaration. Other delegations had taken the view that the two additional sub-paragraphs which had been suggested to the text on the prohibition of the use of force in territorial disputes should be retained as they stood. One representative had recalled that the proposals had been the outcome of difficult negotiations and, considering the many political problems involved, might represent the best solution. Lastly, another representative had suggested, in view of the difficulties which the two additional sub-paragraphs were still creating, that they should be abandoned and that only the first sub-paragraph, on which agreement had been reached, should be kept in point 3 of the Drafting Committee's report.

Organization of armed bands

Instigation of civil strife and terrorist acts

.... the delegations participating in the February 1970 consultations at Geneva had considered whether the agreed text on the organization of armed bands should be supplemented by the proposed wording mentioned in the Special Committee's report. One delegation had expressed the view that the use of volunteers in the context of a liberation struggle waged in exercise of the right of peoples to self-determination should be excluded from the prohibition against the organization of armed bands. In view of the undeniable difficulties which points 5 and 6 of the Drafting Committee's report had caused for several years, in spite of the fact that there was an agreed wording ever since the Special Committee's session at Mexico City in 1964, it had been suggested during the informal consultations that the principle prohibiting the organization of armed bands should be placed in a chapter dealing with general provisions. Several delegations had supported that suggestion, while others had not taken a position.

Military occupation and non-recognition of situations brought about by the illegal threat or use of force

.... a number of delegations had proposed that the sub-paragraph mentioned in point 7-A of the Drafting Committee's report should be added to the previously agreed text. Most delegations had expressed doubts about the wisdom of inserting a corollary of the relevant principle in the declaration. It was understood that they would come back to the question in due course.

Military, political, economic coercion

.... the consulting delegations had discussed the proper place in the declaration for the text which had been approved on the subject. The suggestion had been made that it should be included in a chapter on general provisions, and that suggestion had received broad support.

With regard to the wording itself, one delegation had suggested that the second line should read: "... to refrain ... from using or encouraging [or "provoking"] military ...", a wording in keeping with that of the Charter of the Organization of American States. There had been no observations on that suggestion.

Provision concerning self-determination

.... the consulting delegations had considered whether the declaration should include a provision to the effect that "every State has the duty to refrain from any forcible action which deprives peoples under foreign domination of their right to

self-determination". The delegations had all agreed that the matter should be given priority since its solution would help to overcome a number of difficulties and to eliminate many reservations to which the texts on the use of force and on self-determination still gave rise. In any case, agreement on such a provision could only be reached on the broadest possible wording."

55. One representative observed that during the informal consultations of February 1970 the provision on self-determination to which the Chairman had referred had been considered as one of the points common to the principle prohibiting the use of force and the principle of self-determination. He added that agreement had not been reached on the possibility of relating the provision to the general prohibition of the use of force.

3. 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

(a) Consensus text adopted by the Special Committee at its 1966 session

56. The text setting out points of consensus on 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, which was adopted by the Special Committee in 1966 upon the recommendation of its Drafting Committee, (see paragraph 16 above) read as follows:^{95/}

"Every State shall settle its international disputes with other States by peaceful means, in such a manner that international peace and security, and justice, are not endangered;

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute;

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them;

^{95/} Official Records of the General Assembly, Twenty-first session, Annexes, agenda item 87, document A/6230, para. 248. At its 1967 session, the Special Committee took note of a report by its Drafting Committee in which the Drafting Committee took note of and transmitted to the Special Committee for its information, the report of the Working Group to which the principle had been referred. The Working Group's report stated that it was agreed on the desirability of maintaining the areas of agreement already achieved in the formulation agreed by the 1966 Special Committee (see para. 17 above).

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations;

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by the parties shall not be regarded as incompatible with sovereign equality;

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes."

(b) Statement made by the Chairman of the Drafting Committee at the 1966 session of the Special Committee

57. As indicated in paragraph 16 above, the Chairman of the Drafting Committee, in introducing to the 1966 Special Committee the report of the Drafting Committee concerning 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, stated^{96/} that he wished to make a few explanatory remarks concerning some paragraphs of the consensus text recommended by that Committee in its report. Referring to paragraph 5 of the said text (see paragraph 56 above) he explained that the phrase "Recourse to, or acceptance of, a settlement procedure freely agreed to by the parties" was intended to cover not only recourse to or acceptance of a settlement procedure by the parties to an existing dispute, but also the acceptance in advance by States of an obligation to submit future disputes or a particular category of future disputes to which they might become parties to a specific settlement procedure.

4. The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

(a) Resolution adopted by the Special Committee at its 1966 session

58. The resolution on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, which was adopted by the Special Committee at its 1966 session (see paragraph 19 above), read as follows:^{97/}

^{96/} Ibid., para. 249.

^{97/} Official Records of the General Assembly, Twenty-first Session, Annexes agenda item 87, document A/6230, para. 341.

"The Special Committee,
Bearing in mind:

(a) That the General Assembly, by its resolution 1966 (XVIII) of 16 December 1963, established this Special Committee to study and report on the principles of international law enumerated in General Assembly resolution 1815 (XVII).

(b) That the General Assembly, by its resolution 2103 (XX) of 20 December 1965, definitively fixed the structure of this Committee, granting it, inter alia, authority to consider the principle of non-intervention, and

(c) That the General Assembly, by its resolution 2131 (XX) of 21 December 1965, adopted a Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty which, by virtue of the number of States which voted in its favour, the scope and profundity of its contents and, in particular the absence of opposition, reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law,

1. Decides that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965; and

2. Instructs the Drafting Committee, without prejudice to the provisions of the preceding paragraph, to direct its work on the duty not to intervene in matters within the domestic jurisdiction of any State towards the consideration of additional proposals, with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)."

(b) Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty

59. The Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty contained in resolution 2131 (XX), which was adopted by the General Assembly on 21 December 1965 (see paragraph 19 above), read as follows:^{98/}

"The General Assembly,

Deeply concerned at the gravity of the international situation and the increasing threat to universal peace due to armed intervention and other direct or indirect forms of interference threatening the sovereign personality and the political independence of States,

Considering that the United Nations, in accordance with their aim to eliminate war, threats to the peace and acts of aggression, created an Organization, based on the sovereign equality of States, whose friendly relations would be based on respect for the principle of equal rights and self-determination of peoples and on the obligation of its Members to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recognizing that, in fulfilment of the principle of self-determination, the General Assembly, in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960, stated its conviction that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

Recalling that in the Universal Declaration of Human Rights the General Assembly proclaimed that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, without distinction of any kind,

Reaffirming the principle of non-intervention, proclaimed in the charters of the Organization of American States, the League of Arab States and the Organization of African Unity and affirmed at the conferences held at Montevideo, Buenos Aires, Chapultepec and Bogota, as well as in the decisions of the Asian-African Conference at Bandung, the First Conference of Heads of State or Government of Non-Aligned Countries at Belgrade, in the Programme for Peace and International Co-operation adopted at the end of the Second Conference of Heads of State or Governments of Non-Aligned Countries at Cairo, and in the declaration on subversion adopted at Accra by the Heads of State and Government of the African States,

Recognizing that full observance of the principle of the non-intervention of States in the internal and external affairs of other States is essential to the fulfilment of the purposes and principles of the United Nations,

Considering that armed intervention is synonymous with aggression and, as such, is contrary to the basic principles on which peaceful international co-operation between States should be built,

Considering further that direct intervention, subversion and all forms of indirect intervention are contrary to these principles and, consequently, constitute a violation of the Charter of the United Nations,

Mindful that violation of the principle of non-intervention poses a threat to the independence, freedom and normal political, economic, social and cultural development of countries, particularly those which have freed themselves from colonialism, and can pose a serious threat to the maintenance of peace,

Fully aware of the imperative need to create appropriate conditions which would enable all States, and in particular the developing countries, to choose without duress or coercion their own political, economic and social institutions.

In the light of the foregoing considerations, solemnly declares:

1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.

2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

3. The use of force to deprive peoples of their national dignity constitutes a violation of their inalienable rights and of the principle of non-intervention.

4. The strict observance of these obligations is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security.

5. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

6. All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms. Consequently, all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations.

7. For the purpose of the present Declaration, the term "State" covers both individual States and groups of States.

8. Nothing in this Declaration shall be construed as affecting in any manner the relevant provisions of the Charter of the United Nations relating to the maintenance of international peace and security, in particular those contained in Chapters VI, VII and VIII."

5. The duty of States to co-operate with one another in accordance with the Charter Consensus text contained in the report of the Drafting Committee at the 1967 session of the Special Committee

60. The text expressing the consensus of the Drafting Committee on the principle concerning the duty of States to co-operate with one another in accordance with the Charter, contained in the report of the Drafting Committee which was taken note of by the Special Committee in 1967 (see paragraph 24 above), read as follows: ^{99/}

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

2. To this end:

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

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

99/ Official Records of the General Assembly, Twenty-second session, Annexes, agenda item 87, document A/6799.

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

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

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

6. The principle of equal rights and self-determination of peoples

(a) Report of the Drafting Committee adopted by the Special Committee at its 1969 sessions

61. The report of the Drafting Committee on the principle of equal rights and self-determination of peoples, which was adopted by the Special Committee in 1969 (see paragraph 29 above), read as follows: 100/

The Drafting Committee considered all proposals on the same basis. In view of the close interrelationship between the various components of the principle, it was understood that agreement on one particular point would not prejudice the position of members with regard to other points or to the statement of the principle as a whole. It was also understood that questions of drafting were of great importance.

I. It was agreed that the first paragraph of the declaration of the principle of equal rights and self-determination of peoples should contain a general statement of the principle, stressing its universality, and that it should be followed by a second paragraph spelling out in several sub-paragraphs the legal consequences deriving from it. There was no agreement as to whether rights or duties should appear first in this formulation. Nevertheless, the following two formulae were advanced to provide a basis for discussion; the wording itself was not subject to disagreement except as indicated by square brackets.

100/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 19 (A/7619), para. 180.

"All peoples have equal rights and the inalienable right to self-determination by virtue of which they have complete freedom to freely determine, without external interference, their political status and freely to pursue their economic, social and cultural development. Every State has the duty to respect these rights and to promote their realization in accordance with the provisions of the Charter."

"Every State has the duty, in accordance with the provisions of the Charter, to respect and to promote the realization of the equal rights and the inalienable right to self-determination of all peoples, by virtue of which all peoples have complete freedom to freely determine, without external interference, their political status and freely to pursue their economic, social and cultural development."

A third formula was advanced but not examined in detail:

"The principle enshrined in the Charter of equal rights and of self-determination of all peoples, by virtue of which they have complete freedom to freely determine, without external interference, their political status and freely to pursue their economic, social and cultural development, shall be respected and its realization shall be promoted by every State in accordance with the provisions of the Charter."

II. There was agreement on the following statements for inclusion among the sub-paragraphs of a second paragraph:

"Every State has the duty to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle of equal rights and self-determination of peoples, and to contribute to the fulfilment of this principle in order to promote friendly relations and co-operation among States."

"Every State has the duty to promote through joint and separate action the universal respect for an observance of human rights and fundamental freedoms."

"Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country."

III. It was agreed that the following element should be incorporated in the statement of this principle, but there was no agreement as to its placing, that is, whether or not it would constitute a separate sub-paragraph. The following formulae were advanced with a view to providing a basis for discussion:

"The subjection of peoples to the 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 world peace and co-operation."

"The subjection of peoples to alien subjugation, domination and exploitation as well as any other forms of colonialism, constitutes a violation of the principle of equal rights and self-determination of peoples in accordance with the Charter of the United Nations and, as such, is a violation of international law."

IV. Mode of implementation of self-determination

The possibility was discussed of including a sub-paragraph on the following lines:

"In exercising their right of self-determination a people may decide upon
The exercise by a people of their right of self-determination may take the form of the establishment of a sovereign and independent State, their free association or integration with an independent State or any other political status freely determined."

V. The prohibition of armed action or repressive measures against colonial peoples

The possibility was discussed of including a sub-paragraph on the following lines:

"Every State The administering authority has the duty to refrain from the threat or use of force any forcible action which deprives dependent peoples peoples under foreign domination peoples under foreign domination including colonial peoples peoples under foreign domination as well as under any other form of colonialism peoples under foreign domination or colonial peoples of their right to self-determination and freedom and independence."

VI. Right of self-defence against colonial domination including the question of rights of peoples to request and to receive assistance in their struggle

There was no agreement on the inclusion of a statement under this heading, Nevertheless, the following formula was advanced as a basis for discussion:

"Peoples subjected to colonial oppression are entitled in their legitimate struggle to seek and to receive all support in accordance with the purposes and principles of the Charter and with the provisions of resolution 1514 (XV)."

VII. Status of dependent territories

The possibility was discussed of including a sub-paragraph on the following lines:

"The territory of a colony or other non-self-governing territory has under the Charter a status separate and distinct from the Territory of the State exercising colonial rule over it administering it, and its separate and distinct status as well as the responsibilities of the administering State concerned relating thereto shall continue so long as the colony or the non-self-governing territory has not exercised its right of self-determination in the manner set out in resolution 1541 (XV) in accordance with the provisions of resolution 1514 (XV)."

VIII. The mode of implementation of the principle

There was no agreement on a statement under this heading. The following proposals were advanced for discussion:

"Every State exercising authority over a colony or other Non-Self-Governing Territory, a zone of military occupation of a Trust Territory shall, in implementation of the principle, maintain a readiness to accord self-government through their free choice, to the peoples concerned, and to make in good faith such efforts as may be required to assist them in the progressive development of institutions of free self-government, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement: and, in the case of Trust Territories, shall conform to the requirements of Chapter XII of the Charter of the United Nations."

"All colonial powers, administering colonies or other non-self-governing territories or a Trust Territory, shall without delay 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 distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom."

IX. Implementation of the principle by a State with respect to peoples within its jurisdiction

There was no agreement on the inclusion of any statement under this heading. The following proposals were advanced for discussion:

"States enjoying full sovereignty and independence, and possessed of a representative government, effectively functioning as such to all distinct peoples within their territory, shall be considered to be conducting themselves in conformity with this principle as regards those peoples."

"[Democratic] States enjoying full sovereignty and independence and possessed of a representative government shall be considered to be conducting themselves in conformity with this principle. Accordingly nothing in the foregoing paragraphs shall be construed as giving legitimacy to any action aimed at the total or partial disruption of, or against the security of, such States."

X. The criteria for applicability of the principle

There was no agreement on the inclusion of any statement under this heading. The following proposal was advanced for discussion:

"The principle is applicable in the case of a colony or other non-self-governing territory, a zone of military occupation, or a Trust Territory, or, subject to paragraph 4 below,*/ a territory which is geographically [distinct] [separate] and ethnically or culturally diverse from the remainder of the territory of the State administering it."

*/ See the first proposal under point IX above.

6. Written proposals and amendments

62. A proposal by Italy (A/AC.125/L.80) and an amendment by Lebanon (A/AC.125/L.81) to that proposal were submitted to the Special Committee in 1970. The texts of the proposal and amendment are set out in the following two paragraphs. In addition the Special Committee had before it the proposals and amendments^{101/} included in the report of the 1969 Special Committee, namely:

- (a) The proposal contained in part VI of the draft declaration submitted in 1966 by Czechoslovakia (A/AC.125/L.16);
- (b) The proposal submitted in 1966 by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic, and Yugoslavia (A/AC.125/L.31 and Add.1-3);
- (c) The proposal submitted in 1966 by the United States of America (A/AC.125/L.32)
- (d) The amendment submitted in 1966 by Lebanon (A/AC.125/L.34) to the foregoing United States proposal;
- (e) The proposal contained in part VI of the draft declaration submitted in 1967 by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44);
- (f) The proposal contained in the draft declaration submitted in 1967 by Algeria, Cameroon, Ghana, India, Kenya, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.48);
- (g) The amendment proposed in 1967 by Ghana (A/AC.125/L.50) to the foregoing ten-Power proposal;
- (h) The proposal submitted in 1969 by Czechoslovakia, Poland, Romania and the Union of Soviet Socialist Republics (A/AC.125/L.74).

63. Proposal submitted in 1970 by Italy (A/AC.125/L.80):

"Substitute points IX and X of the Report of the 1969 Drafting Committee by the following:

States enjoying full sovereignty and independence, and possessed of a government representing the whole of their population, shall be considered to be conducting themselves in conformity with the principle of equal rights and self-determination of peoples as regards that population. Nothing in the foregoing paragraphs shall be construed as authorizing any action which would impair, totally or in part, the territorial integrity, or political unity, of such States."

^{101/} For the texts of the proposals and amendments see Official Records of the General Assembly, Twenty-fourth Session, Supplement No.19 (A/7619), paras. 138 to 145.

64. Amendment submitted in 1970 by Lebanon (A/AC.125/L.81) to the foregoing proposal by Italy:

After the word "population" in the second line, add the following words:

"including the indigenous population and without distinction as to race, creed or colour,".

c. Statement made by the Chairman of the Special Committee on the informal consultations preceding the session and observations thereon

65. As indicated in paragraph 46 above, the Chairman of the Special Committee reported orally to the Committee, at its 111th meeting, various possible solutions suggested during the informal consultations preceding the session with regard to a certain number of pending questions concerning the principle of equal rights and self-determination of peoples. The Chairman's statement and the observations relating to it, both of which should be read in conjunction with the report of the 1969 Drafting Committee on this principle (see paragraph 61 above), were as follows (A/AC.125/SR.111):

"Point I

... three formulas had been proposed for inclusion in the first paragraph of the declaration of the principle of equal rights and self-determination of peoples, contained in point I of the Drafting Committee's report and reproduced in the Special Committee's report (A/7619, paragraph 180, pages 62 to 64). The only suggestion made related to the second formula. A delegation suggested that the second formula could be improved by inserting "are entitled to determine freely" after the words "all peoples" in the fourth line and before the words "without external interference" in the fifth line.

Point II

... only one comment had been made on the point, namely it had been suggested that the words "and to bring about the speedy end of colonialism" should be inserted at the end of the first paragraph.

Point III

The Chairman suggested the following compromise formula, which combined the two variants proposed by the Drafting Committee and might ultimately meet with general support: "The subjection of peoples to alien subjugation, domination and exploitation [as well as any other form of colonialism] constitutes a violation [a denial of fundamental human rights and a violation] of the principle of equal rights and self-determination of peoples [and a denial of fundamental human rights], and is contrary to the Charter of the United Nations."

Point IV

... one representative had suggested the following formula:

"The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined constitutes an exercise of the right of self-determination by a people."

Point V

The Chairman recalled the observation made shortly before by [a] representative in connexion with the consideration of the provision relating to self-determination [see paragraph 51 above] and reiterated that no decision had been taken with regard to the formula included in this point.

Point VII

... two proposals had been made concerning the references, at the end of the proposed text, to resolutions 1541 (XV) and 1514 (XV). One was to delete all reference to those resolutions, and the other, to use a formula such as "in accordance with the relevant resolution adopted in accordance with the Charter".

Point VIII

... a compromise formula which combined the two texts proposed had been suggested during the consultations. Under that formula, the text of the first proposal was retained up to and including the words "free self-government" and continued with the words "and shall [without delay] transfer ...", the remainder of the sentence being as in the second proposal. It had been decided to delete the words "a zone of military occupation" which had earlier appeared in the first proposal, since it had given rise to objections on the part of certain delegations.

Points IX and X

... the wording proposed by one representative ... combined the main points in the two texts proposed earlier. The wording was as follows: "Sovereign and independent States [enjoying a democratic government] [endowed with a democratic government] shall be considered as complying [deemed to comply] fully with this principle [the principle of equal rights and self-determination of peoples] with respect [regard] to their population [people]. Consequently, nothing in the preceding paragraphs shall be construed or [understood] as [susceptible of] impairing, totally or in part, the sovereignty, territorial integrity, political unity or security of such States."

... there was also a proposal by one representative to amend the beginning of the first proposal relating to point IX to read: "States enjoying full sovereignty and independence and possessing a government representative of all distinct peoples within their territory and effectively functioning as such shall be ...".

66. One representative pointed out, with reference to point III, that the present version of the compromise formula contained an alternative with respect to the order in which mention was to be made on the one hand of the principle of equal rights and self-determination of peoples and on the other of fundamental human rights. Another representative said he would prefer human rights to be mentioned second. So far as points IX and X were concerned one representative remarked that the formula he had submitted informally during the consultations should be regarded as provisional, and subject to further elaboration, the words in square brackets representing alternative drafting possibilities.

d. Progress Report by the Chairman of the Drafting Committee and comments thereon

67. The Chairman of the Drafting Committee reported orally to the Special Committee at its 113th meeting held on 10 April on the progress which had been made during the first reading of, and informal negotiations relating to, the principle. The following is a summary of that progress report and of the comments made thereon by members of the Special Committee (see A/AC.125/SR.113). The report and the comments should be read in conjunction with the report of the 1969 Drafting Committee on the principle (see paragraph 61 above).

68. The Chairman of the Drafting Committee said:

"The Drafting Committee had decided that point I, which should contain a statement of a general character, ought to be formulated in the light of the outcome of the discussions on other points; work on it had accordingly been suspended.

"Points II and III had been considered together because of their inter-related elements. No final agreement had been reached on the language because of the difficulty over the reference to colonialism in point III.

"Agreement had been reached on a text for point IV reading:

The establishment of a sovereign and independent State, the free association or integration with an independent State, or the emergence into any other political status freely determined by a people, constitute modes of implementing the right of self-determination by that people.

"That text was close to the language suggested during the earlier informal consultations in Geneva, with some modifications, but the drafting could be further improved.

"Agreement had not been reached on points V and VI.

"Point VII had been discussed in the informal consultations and agreement had been reached on the following text, subject to certain conditions:

The territory of a colony or other non-self-governing territory has under the Charter a status separate and distinct from the territory of the State administering it; and such separate and distinct status shall exist only until the people of the colony or the non-self-governing territory have exercised their right to self-determination (in accordance with the Charter of the United Nations and particularly its purposes and principles).

"That text had been accepted in the Drafting Committee on condition that the words in parenthesis were retained and that reference was made in the preamble to the relevant General Assembly resolutions.

"The Drafting Committee had agreed to defer consideration of point VIII until agreement had been reached on other points.

"Points IX and X had been taken together and the possibility of combining them had been explored. The matter was still unsettled. They had been combined in the Italian proposal (A/AC.125/L.80). Some delegations were generally in favour of a safeguard on the lines of that proposed in the Italian text, without prejudice to the principle of equal rights and self-determination. Points IX and X were still under discussion.

69. The observations made by several representatives on the progress report of the Chairman of the Drafting Committee are summarized below. A number of representatives stated that the fact that they had made no observations on the principle at that time should not be taken as implying that they agreed with all that had been said.

70. Speaking of the principle in general one representative stated that the formulation should express the rule that all peoples had equal rights, that they had the right freely to determine their economic, social and cultural development, and that every State had a duty to assist in the implementation of those rights, which were laid down in the Charter and in many General Assembly and Security Council resolutions. According to another the Committee's work must be viewed in the wider context of the general world situation. Many millions of peoples were fighting with determination for their freedom. In several parts of Africa, peoples were being subjected to slavery

and apartheid just because their skin was black. At the same time, certain States were unwilling to take the necessary measures against the racist regime in the central part of Southern Africa. One representative stressed that the principle was a vitally important one and was given pride of place in the United Nations Charter which required its observance by States in their relations with peoples. It conferred rights upon peoples under colonial rule. It was important to bear in mind that a people invoking the principle of self-determination must exhaust all peaceful means of obtaining their rights before resorting to other means. In his delegation's view, all peoples had an equal right to self-determination and to be delivered from subjugation, whether resulting from a colonial yoke or from foreign domination.

71. So far as point I was concerned, it was stated on behalf of one delegation that the principle of self-determination should be formulated in such a way as to leave no doubt that self-determination was an inalienable right of peoples which had its corollary in the obligations of States.

72. One representative favoured the text proposed for point II but considered that it should be more precise. Further, point III should contain a list of acts which were violations of the principle of equal rights, such as subjugation, foreign exploitation and colonialism, and should indicate that they were violations of international law and an obstacle to peace. Another delegation, referring to the fact that the inclusion of the word "colonialism" in point III was unacceptable to some delegations, stressed that colonialism was the main form of oppression of peoples. In the delegation's view, to refrain from using it would amount to a refusal to face facts and would enable colonialism to escape the purview of the draft declaration.

73. One representative considered that the text proposed for point IV was worthy of further study.

74. According to one representative, points V and VI should show, with precision, that colonial peoples were entitled to struggle for their freedom and to seek assistance in their struggle. Another stressed that, in conformity with General Assembly resolution 1966 (XVIII), the Committee was to be guided, inter alia, by the practice of the United Nations, and referred to particular General Assembly resolutions which contained wording that lent support to the legal concept of the right of colonial peoples to self-determination and the legitimacy of their armed struggle when that right was denied. Even pragmatically, it would be short-sighted to expect the General Assembly to adopt a draft declaration which was inconsistent with its previous practice. On the

other hand, another representative pointed out that those resolutions, which had not been adopted unanimously, had been the subject of reservations by certain delegations including his own, that they had been directed towards particular situations with regard to which his country's position was clear and that the statements contained in the resolutions could not be generalized.

75. One representative emphasized with regard to point VII that it should be made clear that colonial territories could not be considered an integral part of the territory of the administering power, and another said that the point should state that their separate and distinct status was of an essential character which was ended by the exercise of the right of self-determination.

76. One delegation stated that it could agree, in a spirit of compromise, to the deletion of point VIII if certain of its features were included elsewhere.

77. One representative, emphasizing that not all the decisions emanating from the informal consultations had been endorsed by the Drafting Committee, said that no agreement had been reached on points IX and X and that not all delegations, including his own, favoured the inclusion of the kind of clause proposed. Another, speaking of the same proposal, considered such a clause as unacceptable because the right was inalienable, and because it would detract from the force of other principles, concerning the territorial integrity of States. Further, the internal aspect of secession was governed by constitutional law and was of no concern to the Special Committee. Another delegation stated that it shared the widespread view that point X should be dropped. Point IX served little purpose and could hamper the implementation of the principle.

78. In reply another representative stated that, first, he could not agree that the problem covered by the safeguarding clause contained in the second sentence of the proposal in question was one of constitutional law and not of international law, and that secondly, he could not agree that the problem was covered by the general safeguards regarding territorial integrity contained in the wording of other principles. On both points he maintained that the problem arose because the beneficiaries of the principle were not States but peoples. Once this was clear it followed logically that provision must be made to safeguard the territorial integrity and political unity of States. And it was a problem that had to be dealt with at the international level. Provisions of constitutional law could not protect the territorial integrity or political unity of a State at that level, which was precisely the level at which the declaration would be made. The claim that the territorial integrity of States was safeguarded under the

principles concerning the non-use of force and non-intervention was not enough. Since the principle of equal rights and self-determination conferred rights on peoples and not on States, it would be very easy to disrupt the political integrity of a State on the basis of that principle, particularly since the term "people" was not defined and it would be possible to invoke the principle of self-determination on behalf of any group. A formula, such as the one included in the Italian proposal (A/AC.125/L.80), was accordingly necessary.

7. The principle of sovereign equality of States

Consensus text adopted by the Special Committee at its 1966 session

79. The text setting out points of consensus on the principle of sovereign equality of States, which was adopted by the Special Committee in 1966 upon the recommendation of its Drafting Committee (see paragraph 30 above), read as follows:^{102/}

"1. All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

2. In particular, sovereign equality includes the following elements:

(a) States are juridically equal.

(b) Each State enjoys the rights inherent in full sovereignty.

(c) Each State has the duty to respect the personality of other States.

(d) The territorial integrity and political independence of the State are inviolable.

(e) Each State has the right freely to choose and develop its political, social, economic and cultural systems.

(f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States."

^{102/} Official Records of the General Assembly, Twenty-first session, Annexes, agenda item 87, document A/6230, para.403. At its 1967 session, the Special Committee took note of a report by its Drafting Committee in which the Drafting Committee took note of and transmitted to the Special Committee for its information, the report of the Working Group to which the principle had been referred. The Working Group's report stated that it was agreed on the desirability of maintaining the consensus text agreed by the 1966 Special Committee (see para.31 above).

8. The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter Consensus text contained in the report of the Drafting Committee at the 1967 session of the Special Committee

80. The text expressing the consensus of the Drafting Committee on the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, contained in the report of the Drafting Committee which was taken note of by the Special Committee in 1967 (see paragraph 34 above), read as follows:^{103/}

- "1. Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.
2. Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.
3. Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.
4. Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail."

9. General provisions of a draft declaration

81. The draft declaration submitted in 1967 by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.44) contained a proposal of general provisions.^{104/} No new written proposal concerning general provisions was submitted at the present session of the Special Committee.

^{103/} Official Records of the General Assembly, Twenty-second session, Annexes, agenda item 87, document A/6709, para.285.

^{104/} For the text, see Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 87, document A/6799, para.454.

10. Working paper on the final stage of drafting of the Declaration submitted by the delegation of Italy at the 1970 session of the Special Committee

82. At the present session, the delegation of Italy submitted a working paper (A/AC.125/L.83) on the final stage of drafting of the Declaration. The text of that working paper was as follows:

"The Delegation of Italy has given serious consideration, in the course of the last two weeks, to the problems that the Special Committee is called to solve in order to accomplish successfully the urgent task of finalizing the draft Declaration within the time limit of May 1st, 1970. The Delegation considered, on one hand, the Declaration as a whole, particularly as regards the distribution of its various elements (preamble, formulations of single principles, final provisions) and their balance; on the other hand, the formulations of some of the principles, or given elements thereof.

For the sake of expediency and clarity, it was felt that it would be useful that the Delegation put forward in writing the result of its reflections and submit them to the attention of the Special Committee.

"I. The Declaration as a whole

"1. The Italian Delegation would move from the assumption that the Declaration is intended to be - in conformity with a widespread opinion - an outline of the most desirable lines of development of International Law. To put it with Professor Tunkin - the Declaration should be an outline of those "voies de développement et de renforcement du droit international" of which "il faut se mettre à la recherche ... malgré le conflit idéologique existant" (Le conflit idéologique et le Droit international contemporain, Recueil en hommage à Paul Guggenheim, Genève, 1968 - page 890). It is also assumed that these lines of development of International Law are to be drawn from general, written or unwritten, International Law, from the purposes and principles and other provisions of the United Nations Charter, from the practice of the Organization in the course of the twenty-five years of its existence, and from other relevant international instruments.

"Within a Declaration thus conceived, the seven principles chosen by the General Assembly should be formulated as a series of interrelated, interdependent propositions, combined into a harmonious whole.

2. Two exigencies should be satisfied, in the view of the Italian Delegation, in formulating and combining the seven principles within the Declaration.

(a) The Order and balance among the seven principles

It seems reasonable to assume, in view of the nature and purpose of the Declaration, that the seven principles cover virtually the range of matters covered by the Charter of the United Nations, and particularly by the four essential aims of the Organization. These consist by general admission, in logical order of importance, in the maintenance of international peace and security (prohibition of the threat or use of force, peaceful settlement of international disputes, non-intervention and action in case of threat to the peace, breach of the peace or acts of aggression); development of dependent peoples and decolonization; economic, social, cultural and humanitarian co-operation; and progressive development and codification of International Law. It so happens that this order of priorities finds some expression in the order in which the seven principles have been referred to the Special Committee by the relevant resolutions of the General Assembly.

It follows that in the Preamble as well as in the whole Declaration, the Principles should be dealt with in the same order as in the relevant resolutions.

"(b) Balance between normative and institutional elements:

Among the seven Principles, some may be, or appear to be, merely normative in character, while the content of other principles is obviously normative and organizational at the same time. In any case, the organizational element could not be overlooked, in the last quarter of our century, without seriously prejudicing the impact of the normative content of the principles and perhaps their very existence.

"Even conceding ex hypothesi that principles such as Compliance in good faith with international obligations or Sovereign equality of States were purely normative principles - a statement that we would not be able to accept - it would be dangerous to overlook the essential organizational aspects of the Prohibition of the threat or use of force, of the principle of Non-intervention, or of the principle of the Peaceful settlement of international disputes. Not only the effective realization and general impact of these principles but their very existence and development depend in a high degree upon the procedures, instruments and machineries through which the rules stemming from those principles and inspired thereby, are applied or enforced in inter-State relations. Similar considerations obviously apply with regard to the principle of Equal rights and Self-determination of peoples and to the principle of Co-operation.

"It follows that within the formulation of each principle and in the Preamble the merely normative elements should be balanced, whenever appropriate, with the relevant organizational elements. A mere proliferation of enunciations of principles of conduct might not only fall short of the mandate of the Special Committee, but reduce the very impact of the formulations of the principles to be embodied in the Declaration.

"II. The Preamble

In view of the above, the Preamble should contain:

- "1. one or more preliminary "Considering's" of a general character;
- "2. either one paragraph listing the seven principles, or seven paragraphs devoted to one principle each. Were it decided that the Preamble should contain any illustration of the single Principles exceeding their mere indication (in the terms used in the relevant General Assembly Resolutions) this should be done, for obvious reasons of balance, by devoting one paragraph to each Principle, without exception, no principle should be stressed to the detriment of any other. One would not see, for instance, why the Draft Declaration should emphasize Sovereign Equality, Non-Intervention or Self-determination - undoubtedly fundamental - to the detriment of equally fundamental principles such as the Prohibition of the Threat or Use of Force, Peaceful Settlement of Disputes or Compliance in good faith with international obligations;
3. This does not exclude, of course, that the seven main paragraphs of the Preamble devoted respectively to the seven principles be followed, within the Preamble itself, by special paragraphs in which given exigencies or directives were "singled out" as sub-principles - so to speak - generally felt to be of particular importance by the members of the Special Committee. Such might be the case with political, economic and social changes; condemnation of any attempt aimed at the partial or total disruption of national unity and territorial integrity of States; universal respect of fundamental freedoms and human rights, etc.
- "4. One paragraph "considering" the work of the Special Committee and taking note of its reports since 1964.

III. The Prohibition of the Threat or Use of Force:

The paragraphs agreed upon, and appearing in the informal documents circulated in the last few days, would be in principle acceptable to the Italian Delegation, subject to the following considerations and integrations:

- "1. In spite of the difficulties repeatedly pointed out by the Italian Delegation since 1968 (Special Committee and Sixth Committee), the paragraphs corresponding to No.3 of the text reported by the Drafting Committee of 1969 could be acceptable if they were preceded by a phrase such as "In accordance with the foregoing fundamental principle, and without limiting its generality". This sentence, drawn from the United Kingdom draft of 1967, could be even more usefully placed as a general provision covering all paragraphs contained in the formulation of this Principle, following the first paragraph and preceding the paragraph concerning disarmament.
- "2. In paragraph 5, the word "volunteer", which does not appear in the above mentioned informal draft, should be maintained as it appeared in the formulation of 1969.
- "3. On paragraph 7, as it results from the elaboration of the ad hoc Working Group, the Delegation of Italy is not in a position to pronounce itself in view of the necessity of giving the matter more careful consideration.
- "4. Paragraph 10 (disarmament) could be improved in order to reduce the striking gap existing in the 1969 formula between general and complete disarmament on one side and measures to reduce tension and strengthen confidence on the other side. In a Declaration setting forth the desirable lines of development of International Law for about a quarter of a century, measures more substantial than reduction of tension and strengthening of confidence, and short of general and complete disarmament should not go without mention. Account should at least be taken: (a) of the existence of the 1963 Test Ban Treaty and of the Non Proliferation Treaty; (b) of Resolution 2602 of the General Assembly; (c) of Resolution 2603; (d) of current endeavours within the CCD to find ways and means to improve the method of work and approach of that Conference; (e) within the framework of "reduction of tension" and "strengthening of confidence", of the promotion of the free flow and exchange of information and ideas across frontiers.

"5. The paragraph concerning the maintenance of international peace and security (which originates from a Canadian proposal of 1964 and from the Italian-Netherlands proposal of 1966) contains a serious obscurity in the first part. We refer to the phrase "to the generally recognized principles and rules of international law with respect to the maintenance of international peace and security". The obvious obscurity of these words could easily be eliminated in the final drafting. To that effect, consideration could usefully be given to the original Italy-Netherlands proposal of 1966, as it appears in paragraph 32, point 4 (c), of the 1969 Report of the Special Committee (page 19 of the English version).

"IV. The Principle of Equal Rights and Self-Determination of Peoples

The Delegation of Italy is generally in favour of the formulation of this principle as it results from the negotiations at the present session and as it appears in the informal text referred to above. Letting aside the few pending issues - and without prejudicing any such issue or issues - the Italian Delegation feels that careful consideration should be given to the desirability of filling the gap at present existing in the formulation of the principle of Equal Rights and Self-Determination with regard to the respect and promotion of Human Rights.

"As noted above, there is a close interrelationship between that principle and the promotion of Human Rights. In so far the exercise of Equal rights and Self-determination of peoples as collective entities can be effectively secured, as the individuals composing those entities are allowed effectively to exercise their rights and fundamental freedoms before, during and after the self-determining process. The very existence and functioning of structures and machineries through which Self-Determination is to be expressed depends upon the possession and effective exercise of individual rights and freedoms.

"A vague reference to human rights exists (following a Canadian-Italian initiative) in the formulation of the principle of Co-operation, and a small paragraph on human rights seems to be envisaged within the framework of the formulation of the principle of Equal Rights and Self-Determination according to one of the informal documents circulated. Both texts reproduce the general language of Articles 55 and 56 of the Charter.

"While that language seems appropriate for the principle of Co-operation and for one of the "singling out" or "special" preambular paragraphs mentioned above, a more significant language could be adopted for the human rights paragraph which should appear in the formulation of Self-Determination. The problem, in this case, is to find a language susceptible of conveying more clearly the desirability that every State ensure fundamental freedoms and human rights to all individuals within its jurisdiction, whether such individuals are members of dependent communities, foreigners or citizens.

"V. Settlement of Disputes by Peaceful means:

"The Italian Delegation has often called attention to the serious difficulties it has with the formulation of this principle as it now stands. It is still felt, as repeatedly pointed out by the Italian Representative in the Special Committee (see, for example Sixth Committee, Twenty-first Session, Official Records, page 238; and Twenty-fourth Session A/C./SR.1162, p.13), that the existing formulation "reduces, in wording as well as concepts, the impact of Chapter VI of the Charter" and "simply disregards whole articles or paragraphs of Chapter VI, not to mention the Statute of the International Court of Justice" and other international instruments.

"The Italian Delegation believes that the formulation of the duty of Peaceful settlement could easily be improved even at the present stage, by the addition of paragraphs corresponding to subparagraphs (a), (b), (c) and (d) of paragraph 3 of the Dahomey, Italy, Japan, Madagascar and the Netherlands proposal. According to that proposal:

"3. In order to ensure the more effective application of the foregoing principle:

"(a) Legal disputes should as a general rule be referred by the parties to the International Court of Justice, and in particular States should endeavour to accept the jurisdiction of the International Court of Justice pursuant to Article 36, paragraph 2, of the Statute of the Court".

"(b) General multilateral agreements, concluded under the auspices of the United Nations, should provide that disputes relating to the interpretation or application of the agreement, and which the parties have not been able to settle by negotiation, or any other peaceful means, may be referred on the application of any party to the International Court of Justice or to an arbitral tribunal, the members of which are appointed by the parties, or, failing such appointment, by an appropriate organ of the United Nations."

"(c) Members of the United Nations and United Nations organs should continue their efforts in the field of codification and progressive development of international law with a view to strengthening the legal basis of the judicial settlement of disputes".

"(d) The competent organs of the United Nations should avail themselves more fully of the powers and functions conferred upon them by the Charter in the field of peaceful settlement, with a view to ensuring that all disputes are settled by peaceful means in such a manner that not only international peace and security but also justice is preserved."

"It is the considered opinion of the Italian Delegation that this matter is of importance not only for the specific purpose of making the principle of Peaceful settlement more effective in conformity with the Special Committee's task, but also in order to contribute, by way of the interdependence and interaction of principles pointed out above, to the more effective application of other principles (Prohibition of the threat or use of force, Non-intervention, Self-determination, Compliance with international obligations). The Delegation of Italy is unable to understand the difficulties that the above text seems to meet notwithstanding the fact that the wording of the proposed paragraphs is purely hortatory and clearly in conformity with Chapter VI of the Charter and with many international instruments in force. Were the draft Declaration to maintain such a gap, serious damage might result in the progressive development of the law of Peaceful settlement.

"VI. Sovereign Equality:

With regard to Sovereign equality, the Delegation of Italy feels it to be its duty to reiterate that the text elaborated in 1966 is too vague and tautological. The search for agreement stopped short of the solution of a number of problems the exploration of which could usefully be pursued.

"One example is the point concerning national wealth and resources, on which the Italian Delegation calls again the attention to the proposal of the Representative of Kenya, (A/L.C.125/L.7) according to which: "Each State has the right to freely dispose of its national wealth and natural resources. In the exercise of this right, due regard shall be paid to the applicable rules of international law and to the terms of agreements validly entered into".

"Another example is the vague terminology used to define Sovereign equality at a time when that attribute of independent States is questioned.

"VII. General or final Clauses:

The text informally circulated in the last few days could be improved in order to avoid ambiguity. For example:-

1. the sentence "Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States" could be improved by adding the words "and their interpretation", after the word "Charter".
2. the sentence "Declares that the principles embodied in the Declaration constitute important principles of international law" could also be improved in order to meet the reservations expressed by some members of the Special Committee. A certain improvement would be achieved by substituting the words "important principles" by the phrase "important guidelines for the conduct of States and the progressive development and codification of International Law".

* * *

B. Consideration of the report of the Drafting Committee

1. Report of the Drafting Committee

83. The Drafting Committee adopted and submitted to the Special Committee the following report^{105/}:

"The Drafting Committee considered the result of the informal consultations and accepted the following text as expressing the consensus of the delegations members of the Drafting Committee:

Draft Declaration on Principles of International Law
concerning Friendly Relations and Co-operation among States

Preamble

The General Assembly,

Reaffirming in the terms of the Charter that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours.

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their developments,

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States, and fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security, and for the implementation of the other purposes of the United Nations,

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter of the United Nations give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

Recalling the established principle that outer space including the moon and other celestial bodies is not subject to national appropriation by claim of sovereignty by means of use or occupation or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another since the practice of any form of intervention not only violates the spirit and letter of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all 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,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

Considering that the progressive development and codification of the following principles:

- (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;
- (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;
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;
- (d) The duty of States to co-operate with one another in accordance with the Charter;
- (e) The principle of equal rights and self-determination of peoples;
- (f) The principle of sovereign equality of States;
- (g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

so as to secure their more effective application within the international community would promote the realization of the purposes of the United Nations;

Having considered the principles of international law relating to friendly relations and co-operation among States,

Solemnly proclaims the following principles:

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

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the Purposes and Principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special régimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting

(a) provisions of the Charter or any international agreement prior to the Charter régime and valid under international law; or

(b) the powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based upon the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

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

Every State shall settle its international disputes with other States by peaceful means, in such a manner that international peace and security, and justice, are not endangered;

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute;

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them;

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations;

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality;

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

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. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law;

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State;

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention;

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State;

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

The duty of States to co-operate with one another in accordance with the Charter

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

To this end:

- (a) States shall co-operate with other States in the maintenance of international peace and security;
- (b) States shall co-operate in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;

- (c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;
- (d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

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

The principle of equal rights and self-determination
of peoples

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, the realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle in order:

- (a) to promote friendly relations and co-operation among States, and
- (b) to bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter of the United Nations.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against and resistance to such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter of the United Nations.

The territory of a colony or other non-self-governing territory has under the Charter a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or non-self-governing territory have exercised their right of self-determination in accordance with the Charter of the United Nations, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity, or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The principle of sovereign equality of States

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

- (a) States are juridically equal.
- (b) Each State enjoys the rights inherent in full sovereignty.
- (c) Each State has the duty to respect the personality of other States.
- (d) The territorial integrity and political independence of the State are inviolable.
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems.
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

General Part

Declares that:

In their interpretation and application the above principles are inter-related and each principle should be construed in the context of the other principles,

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter taking into account the elaboration of these rights in this Declaration,

Declares further that:

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of their strict observance.

2. Decisions of the Special Committee regarding the report of the Drafting Committee

84. At its 114th meeting, on 1 May 1970, the Special Committee approved the report of the Drafting Committee ((A/AC.125/L.86), see paragraph 83 above) containing the text of a draft declaration on principles of international law concerning friendly relations and co-operation among States. As regards the report of the Drafting Committee, the Special Committee decided also to record in the present report the statements set out in paragraphs 85 to 89 below:

85. The draft declaration contained in the report of the Drafting Committee approved by the Special Committee represents the consensus of the delegations. It is to be read in conjunction with the statements made for the record, which are included in the report and in the summary records.

86. In approving the point relating to the organization of armed bands in the principle concerning the prohibition of the threat or use of force, it is the understanding of the Committee that the term 'irregular forces' includes other similar forces not expressly mentioned in the said point.

87. It is the position of the Syrian Arab delegation that the words in subparagraph (a) of the tenth paragraph of the principle of the non-use of force... 'or any international agreement prior to the Charter régime and valid under international law' do not apply to, nor legalize the agreements by which parts of Syria's territory were ceded by the mandatory Power at the time to other States without the consent of Syria. Such agreements remain illegal and invalid. It is the understanding of the Special Committee that the tenth paragraph of the formulation of the principle of the non-use of force does not affect the legal position or claims of Syria with regard to the international agreements referred to in the foregoing statement, made by the representative of the Syrian Arab Republic.

88. (a) There was unanimous agreement in the Special Committee on the following: in the second operative paragraph of the formulation of the principle concerning non-intervention, the word 'and' appears after the words 'sovereign rights'. In the first sentence of operative paragraph 2 of General Assembly resolution 2131 (XX) the word 'or' was used. The word 'or' has been replaced by the word 'and' in the present declaration only as a matter of form, without changing the meaning and scope of the concept in question.

(b) The delegations of the States members of the Organization of American States refer in this connexion to the fact that the same wording is used in article 19 of the Charter of the OAS.

89. The widespread feeling of the Committee was in favour of recommending that the General Assembly give consideration to a proposal that the title of the declaration read as follows: 'Declaration on Principles of International Law concerning Peaceful and Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.'

C. Statements by members of the Special Committee at the concluding stage of the Special Committee's session

90. At the concluding stage of the Special Committee's session, several representatives stated the position of their delegations on the outcome of the work of the 1970 Special Committee. Statements to that effect were made at the 114th meeting of the Committee, on 1 May 1970, by the representatives of the Union of Soviet Socialist Republics, Chile, Argentina, Venezuela, Romania, Italy, France, Cameroon, Yugoslavia, the Netherlands, Canada, Poland, Nigeria, Kenya, Madagascar, Czechoslovakia, Australia, Syria, Mexico, India, the United Kingdom of Great Britain and Northern Ireland, Japan, the United Arab Republic and the United States of America. The statements are summarized below in the order in which they were made.

91. The representative of the Union of Soviet Socialist Republics said that the Soviet delegation considered it necessary to make the following comments in connexion with the examination of the report of the Drafting Committee, containing the text of the draft declaration prepared during the Special Committee's first to sixth sessions.

92. In the opinion of the Soviet delegation, the omission from the text of the principle of self-determination and even from the preamble of any direct reference to the historic declaration on the granting of independence to colonial countries and peoples, adopted by the General Assembly at its fifteenth session, resulted in some weakening of the draft on that important question, which ought to have been formulated more clearly, since a codification of the principle of self-determination was involved. In the opinion of the Soviet delegation, the adoption by the Special Committee of the proposal by Czechoslovakia and the USSR (A/AC.125/L.85) would have strengthened the draft declaration and would have met the purpose of providing more effective assistance, through the United Nations, to the national liberation movement of the peoples still under the colonialist and racist yoke. That question would be given further consideration by the Soviet Union, in the light, of course, of the consultations that had taken place, particularly with African countries.

93. The Soviet delegation observed that, as a result of the great efforts made during the informal consultations on 24 April 1970, a text had been worked out for the provision in the principle on the non-use of force, dealing with military occupation and non-recognition of situations resulting from the illegal use of force. That text had been acceptable to the Soviet Union in principle. Some participants had, however,

indicated that the text was unacceptable to their Governments. In those circumstances, the Soviet Union, acting in a spirit of good will, had agreed to continue consultations on the matter. On 1 May 1970, the final date of the Special Committee's session, a number of delegations had proposed to the Soviet Union a different formulation of that provision in the principle of the non-use of force, a formulation which was now the tenth paragraph of that principle. The Soviet delegation considered that the proposal merited consideration and serious study, but, owing to lack of time, it had been unable to study it fully at the Special Committee's session. It had been reported to the Soviet Government.

94. The Soviet delegation also wished to state that, in its opinion, it would have been desirable for the principle of equal rights and self-determination of peoples to deal more fully with the need for colonial Powers to transfer, immediately and unconditionally, all authority to the peoples of colonial territories, in accordance with the freely expressed will of those peoples. The corresponding provisions of the draft declaration would also be further studied by the Soviet Union.

95. The Soviet delegation would communicate the draft declaration as a whole to the Soviet Government.

96. The representative of Chile said that Chile had participated actively in all the sessions of the Special Committee. His delegation was gratified that the Committee had done productive work and had successfully completed the task entrusted to it by the General Assembly by submitting, in time for the twenty-fifth anniversary of the United Nations, the declaration on seven fundamental principles of international law which, if applied in a spirit of understanding and absolute good faith, would ensure peaceful and friendly co-existence among nations.

97. Representing a country which, in its 160 years of independent existence, had both in its internal affairs and in its international relations steadfastly adhered to observance of the rule of law, respect for human rights, tolerance and peaceful co-existence, and non-intervention in the affairs of other States, his delegation welcomed the statement of the seven principles as a genuine advance. It regarded them as authentic principles of international law having their roots in a multilateral treaty - the Charter of the United Nations - and in the inherent principles of law based on human reason. International law found its expression mainly in treaties

between States, but it was based primarily on the rational nature of man as a social being. An agreement between a number of States that provided, for example, for racial or religious discrimination or for genocide might be a treaty on paper, but it would be a violation of the basic principles of international law, which was the common heritage of all men and all peoples.

98. His delegation welcomed the fact that the preamble outlined the positive features of each of the seven principles and it believed that the formulation of each individual principle reflected a common denominator providing a sufficient basis for international understanding on the important matters involved.

99. Without wishing to detract from the importance of the other principles, his delegation thought it necessary to lay particular stress on the statement of the principle of non-intervention, which fully reflected the substance of General Assembly resolution 2131 (XX). It regarded the principle of non-intervention as the cornerstone of peaceful co-existence and the fact that it had been restated in more adequate terms did not in any way weaken its force. His delegation was convinced that the principle would be observed with absolute good faith.

100. His delegation also wished to refer particularly to the principle concerning the peaceful settlement of international disputes, a principle which Chile had consistently advocated and observed in practice, as recent examples proved. It hoped that that principle would be widely and effectively observed.

101. In conclusion, the Chilean delegation paid a tribute to the efforts made by all delegations to arrive at a basically acceptable agreement. If States continued to adopt officially the attitude displayed by their representatives at the current session it would be possible to look forward to a future of genuine peace and co-operation. It was also to be hoped that, in the future, the sharp distinction between legal and political matters would disappear, because the policy of States should become the genuine expression of public international law.

102. The representative of Argentina said that the importance of the draft declaration lay in the fact that it reflected the unanimous views of the Special Committee - and it was to be hoped of the General Assembly also - regarding the principles of international law concerning friendly relations and co-operation among States. Although the declaration itself was not mandatory, it was based on texts accepted unenimously by the Special Committee as constituting the expression of international law in that regard.

103. As his delegation had said on previous occasions, the expressions "codification" and "progressive development" of international law had been used in the preamble in the meaning attached to them by article 15 of the Statute of the International Law Commission. It was in that spirit that Argentina had supported the codification of the principles, which formed part of the existing law of nations.

104. So far as the operative part of the draft declaration was concerned, Argentina welcomed the provisions formulated as being of exceptional importance. It had co-operated in maintaining the principles laid down in the Charter of the United Nations, while encouraging the legitimate development of those principles to take account of historical processes which had occurred after its adoption, as reflected in particular in the relevant resolutions of the General Assembly, i.e. resolutions 1514(XV) and 2131(XX).

105. The text of the preamble was acceptable to his delegation. His delegation wished to comment in particular on the paragraphs in which it had taken a special interest. One of those was the paragraph relating to non-intervention, which fully reflected the corresponding concept in the operative part of General Assembly resolution 2131(XX) and which the Latin American countries members of the Special Committee found entirely satisfactory. The others were the fourteenth, fifteenth and sixteenth paragraphs, which sought to complete, so far as possible, the incorporation in the text of the contents of General Assembly resolution 1514(XV). Those paragraphs were also of great importance, firstly, because they reiterated the principle of self-determination, treating it as part of contemporary international law, and secondly, because they indicated that the principle was to be interpreted in the light of the "relevant resolutions adopted by the competent organs of the United Nations", which could only be General Assembly resolution 1514(XV). Particular mention was made of the principle of territorial integrity in its relation to self-determination in the fifteenth preambular paragraph, which reproduced in full operative paragraph 6 of resolution 1514(XV). His delegation considered that the relationship between the two principles which had been established in that resolution had thus been respected and it wished to confirm the views it had expressed on that point in the Committee of Twenty-four and in the General Assembly.

106. The formulation of the principle that States should refrain from the threat or use of force satisfactorily reflected the position which Argentina had taken since the beginning of its history. The principles which it had always defended in that regard were stated almost in their entirety. For Argentina, the essential points were, firstly, that the use of force referred only to armed or physical force, and secondly, that it was illegal to obtain any territorial advantage as a result of its use. His

delegation had given close attention to the first point, since it was convinced that the text of Article 2(4) of the Charter referred solely to armed or physical force. That was the interpretation which had been accepted at San Francisco in 1945 and was also expressed in the Preamble of the Charter. It did not of course mean that other kinds of pressure should be accepted, since they were contrary to the principle of non-intervention. The other essential point was denial of the right of conquest. Force did not justify any territorial acquisition, and fortunately that principle was specifically stated in the draft declaration. Consequently, Argentina considered that the text adopted constituted a denial of the right of conquest.

107. The consensus achieved on the question of non-intervention was of particular importance. That principle, which had its origin in the international law of the American States, was today recognized as a rule of law throughout the world. The Latin American countries had fought for the acceptance of that principle in the inter-American system until its adoption at the historic International Conference of American States held at Buenos Aires in 1936. The Argentine Republic had traditionally defended the principle of non-intervention. Today it welcomed the agreement reached on the formulation of that principle, in respect of which the Committee had perhaps most successfully contributed to the progressive development of international law. General Assembly resolution 2131(XX) had been incorporated in the text and the preamble of the draft declaration, and had once more been endorsed unanimously. The task entrusted to the Committee by the General Assembly could be regarded as being fully completed. Operative paragraph 2 of General Assembly resolution 2131(XX) had been reproduced in its entirety, except that the concluding words "or to secure from it advantages of any kind" had been altered to "and to secure" solely in order to bring it into line with the earlier statement of that principle in the Charter of the Organization of American States. That change could not, of course, be interpreted as restricting in any way the scope and significance of resolution 2131(XX) and that unanimous understanding of the Special Committee had been recorded in its report to the General Assembly.

108. The statement of the principle concerning self-determination recognized in its first paragraph the right of peoples to self-determination, thus giving that right the precedence it deserved, and then went on to recognize the consequent obligation of States to respect that right. That was an important concept which his delegation had supported. Externally, the principle implied the right of a people to obtain the international legal status corresponding to any sovereign State, in other words, to attain its independence and secure the integrity of its national territory. It was

obvious that the principle as a whole should be interpreted within the framework of General Assembly resolution 1514(XV). Operative paragraph 6 of that resolution, which had been incorporated in the preamble of the draft declaration, defined the relationship between self-determination and the principle concerning territorial integrity by providing that 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".

109. The representative of Venezuela said that the Special Committee, set up by General Assembly resolution 1966 (XVIII) to study the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, in its unremitting efforts to carry out the mandate given to it by the General Assembly had that day completed its difficult and important task. The copious documentation produced by the Committee during its six sessions clearly reflected the arduous work that had had to be done in order to arrive at the present result. On a question that was legal in character, but with strong political implications, all delegations had been obliged, as time went by, to abandon intransigent positions for the sake of the important final goal of preparing a draft declaration on the seven principles set forth in General Assembly resolution 1815 (XVII) "which will constitute a landmark in the progressive development and codification of those principles". The body of rules the Committee had formulated could legitimately be regarded as the most up-to-date expression of the scope and interpretation of the Charter of the United Nations, the basis of international law as it was understood and practised by the civilized nations of the world today, and as a most effective contribution to the future codification of principles which were authoritatively regarded as authentic examples of ius cogens and, therefore, essential to the maintenance of international peace and security.

110. Venezuela had not been a member of the Drafting Committee and the method of direct, informal negotiations, without translation services, that had been adopted at the present session as the only means of attaining the result which had been so painstakingly pursued, had not given his delegation a real opportunity to express its views on various aspects of the subjects considered. Nevertheless, his delegation had followed the whole process closely and with great interest, and had attended several meetings as an observer. By means of personal contacts, particularly with the Latin American group, it had been kept informed throughout of the progress achieved in fulfilling the mandate given to the Committee by the General Assembly.

111. His delegation had examined with particular attention the draft declaration which the Drafting Committee had submitted to the Special Committee for its consideration, which had become available only a few hours previously as document A/AC.125/DC.31. The question of time and the method employed by the Committee to achieve its objective had made it impossible for his delegation to reach a final opinion on the preamble, the seven principles in question and the general part, which constituted the three parts of the draft declaration. Accordingly, his delegation would proceed immediately to make a few general comments on the consensus texts produced by the Drafting Committee.

112. The arrangement of the preamble was based on the idea of devoting at least one paragraph to each principle, without precluding additions, which had in fact been made, of other points which were relevant to the principles or which referred directly to the Charter of the United Nations, the most important General Assembly resolutions on the subject or the practice of States. International co-operation in the settlement of international problems did not appear to be so fully treated as other principles, and direct references to the Charter were made in connexion with some principles but not with others. The length of the preamble could be justified by the importance of the subject matter and the danger of sacrificing some essential element for the sake of precision and brevity.

113. The principles concerning the peaceful settlement of disputes, the duty of States to co-operate with one another, the sovereign equality of States and the fulfilment in good faith by States of their obligations retained the same structure and content as the consensus texts agreed upon by the Special Committee at its 1966, 1967, 1964 and 1967 sessions, respectively. There were various proposals to expand and improve the content of those formulations, but in any event it was for the General Assembly to examine that possibility. Should such an occasion arise, his delegation would take the opportunity to express its views on the new approaches.

114. The formulation of the principle that States should refrain from the threat or use of force reproduced almost in their entirety the agreements reached at the 1968 and 1969 sessions. Slight changes had been made in the fifth paragraph as a result of negotiations; the seventh paragraph was practically new and combined a number of separate ideas proposed in previous years, and the tenth paragraph reflected a last-minute agreement. Some of the elements contained in the Latin American proposal of 1967 (A/AC.125/L.49) were included either partially or in full. Others had been abandoned. In particular, Venezuela had always supported the inclusion in the principle of a ban on economic, political and other kinds of pressure as a means of force. Such a provision did not appear in the text of the principle, but it did appear in one of the preambular paragraphs with the same wording as had been suggested by the Drafting Committee in 1969.

115. The text of the principle of equal rights and self-determination of peoples at first sight reflected a process of difficult negotiations. It included many of the ideas and points of view found in the 1969 proposals, but it also contained some interesting new elements and omitted other vital but politically controversial ones. In view of the particular importance of the subject and of Venezuela's traditional position of complete repudiation of all forms of colonialism, that topic would be given special consideration by its Government. It was for that reason that, with Argentina, Guatemala and Mexico, it had sponsored the proposal in document A/AC.125/L.82, the purpose of which was to stress the importance of General Assembly resolution 1514 (XV) as a positive contribution to contemporary international law.

116. His delegation was gratified by the realistic approach that had been adopted in the formulation of the principle of non-intervention, so dear to the Latin American States. It was not the appropriate time to reiterate the comments, arguments and quotations put forward in connexion with that principle at the meetings of the Special Committee and of the Sixth Committee of the General Assembly. Operative paragraphs 1, 2, 3 and 5 of General Assembly resolution 2131 (XX) had been incorporated in the text of the declaration itself and operative paragraph 4 in the preamble, without any contraction or impairment of their validity. The present declaration thus constituted an unequivocal recognition of a principle which had, very rightly, been repeatedly invoked. With regard to the slight stylistic change introduced in the second paragraph of the draft on that principle, as compared with the corresponding wording in General Assembly resolution 2131 (XX), a change which had been accepted to meet the views of other countries members of the Committee, it was his delegation's understanding that it did not and could not in any way imply that the Charter of the Organization of American States was no longer regarded as the basic text with regard to non-intervention. Nor could it be interpreted in such a way as to lead to the absurd conclusion that, in certain conditions or in special circumstances, some kind of intervention might be justified, except, of course, in cases relating to the maintenance of international peace and security within the framework of the Charter and in accordance with its provisions.

117. In connexion with the general part of the declaration, his delegation merely wished to point out that no reference was made to the equal validity of the principles, although that had been repeatedly affirmed by members of the Committee, and that the validity of the principles was not reinforced by any phrase indicating or suggesting that they constituted an authentic source of international law within the meaning of the Charter and the Statute of the International Court.

118. His delegation's preliminary impression of the draft declaration prepared by the Drafting Committee was favourable. In broad outline, it seemed to meet many of the views of the different interests represented in the Committee. At the same time, for the reasons given at the beginning of the present statement, in so delicate a matter his delegation could in no way commit the Venezuelan Government to any final decision. His delegation welcomed the draft declaration and was sure that its Government, in the same spirit of co-operation that governed all its dealings with the international community, would make every effort to contribute towards the establishment of the final text, without prejudice to the discussions that would be held in the General Assembly when the draft was examined. It should also be understood, however, that its final opinion would be closely linked with the questions of principle that might affect the interests of its country. Accordingly, his delegation accepted the text submitted to the Committee ad referendum only, without prejudice to any interpretation, amendment or reservation which the Government of Venezuela might wish to put forward when the matter came to be discussed in the General Assembly.

119. The representative of Romania said that, in the view of his delegation, the draft declaration, as reproduced in document A/AC.125/L.86, was in conformity with the provisions of the Charter and the pertinent resolutions of the General Assembly. Its wide scope reflected the present needs of international life. The draft declaration rightly emphasized the importance of the Charter in promoting the rule of law in international relations. The Charter was a basic multilateral treaty which was binding on all Member States and which expressed the fundamental principles of international law governing relations between States. The progressive development, codification and proclamation of those principles in the draft declaration would lend them renewed force in a world which had seen great political, economic and social changes and scientific progress since the adoption of the Charter. His delegation therefore attached great value to the statement in the general part of the draft declaration that the principles of the Charter embodied in the draft declaration constituted basic principles of international law. The principles of international law expressed in the draft declaration, together with the other statements it contained, were interrelated and would have to be interpreted and applied in the context of the draft declaration as a whole.

120. An important feature of the draft declaration was the statement in the ninth paragraph of the preamble regarding the duty of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. The forms of coercion referred to in that paragraph were examples of unlawful forms of the threat or use of force, which was prohibited under the Charter. In connexion with the principle concerning the non-use of force, great importance was to be attached to the statement in the second paragraph of the formulation of that principle. All acts of aggression contemplated in the Charter were covered by that statement and therefore fell within the meaning of a war of aggression. The use of force and intervention could only aggravate international disputes, which under international law had to be solved by peaceful means. The principle that States should settle their international disputes by peaceful means was closely connected with their obligation to refrain in their international relations from the threat or use of force. Romania hoped that the United Nations would study the many peaceful means available for settling disputes between States in order to promote respect for all the provisions of the principle.

121. The draft declaration pointed out that the strict observance by States of the obligation not to intervene in the affairs of any other State was an essential condition to ensure that nations lived together in peace. Non-intervention in the affairs of other States and peoples was a fundamental principle of contemporary international law which must be respected if peoples were to develop freely and States to be fully sovereign. The recognition of the right of all peoples and States to be the masters of their own political, economic, social and cultural destinies was an essential condition for the maintenance of peace and the development of mutually beneficial co-operation. Intervention was a source of international tension.

122. The draft declaration codified the principle that States had a duty to co-operate with one another in accordance with the Charter. In discharging that duty, they would help to create the necessary conditions for the accomplishment of mankind's ardent desire for economic, social and cultural progress, and for a utilization of the world's resources that would make scientific technical and cultural advances available to all peoples. In the opinion of the Romanian Government, the development of bilateral co-operation and joint action within international organizations were the appropriate means for the realization of that principle.

123. In the sphere of international relationships, respect for the sovereignty and rights of nations was the basic principle from which all the other principles codified in the draft declaration stemmed, and it was also the central problem in contemporary international life. Following the Charter, the draft declaration reaffirmed the

fundamental importance of the principle of sovereign equality and emphasized that the purposes of the Charter could not be achieved unless it was respected. It expressed the conviction that subjection of peoples to subjugation, domination and exploitation constituted a violation of the principle of equal rights and self-determination of peoples and was a major obstacle to the promotion of international peace and security. The world-wide growth in the number of independent nations seeking peaceful and fruitful co-operation was characteristic of contemporary international life. National sovereignty had an enhanced meaning in socialist countries, where political power and the control of natural resources rested with the people. That reality was firmly enshrined in the constitution of the Socialist Republic of Romania, which proclaimed Romania's sovereign independence and provided that its international relations should be based on respect for national sovereignty. The fact that the draft declaration codified the principles of sovereign equality and of equal rights and self-determination of peoples reflected the need for relations between States to be based on those fundamental principles of international law. Romania attached particular importance to the independence and self-determination of peoples. They were rights which were in the forefront of contemporary international life.

124. The Romanian Government was convinced that the adoption by the General Assembly at its twenty-fifth session of a declaration solemnly proclaiming the principles of international law concerning friendly relations and co-operation among States would do much to place relations between States on a firm foundation of international law and to ensure the solution of international problems solely by peaceful means. But those principles must not only be proclaimed; they must above all be strictly respected. His delegation therefore attached great importance to the statements in the draft declaration which emphasized the need for such respect and to the formulation of the principle that States should fulfil in good faith the obligations assumed by them in accordance with the Charter. What counted now was not so much the affirmation of principles as the translation of those principles into action. In that context, the draft declaration, if adopted by the General Assembly would represent a call for action constituting a landmark in international affairs. International relationships must no longer be based on reasons of State but on the universal application of international law and international morality.

125. The representative of Italy said that the purpose for which his delegation had asked to speak was to express as briefly as possible its views on the draft before the Committee, the background against which it was to be placed, the meaning attached to it by his delegation, and the impact it expected it to have on the development of international law. In so doing, his delegation would keep in mind the statements, proposals and comments made by it in the course of the previous and the present, sixth, sessions of the Special Committee, including the "Working Paper" it had submitted on 27 April 1970 (A/AC.125/L.83).

126. During the whole period of the work of the Special Committee since 1964, the delegation of Italy had been guided by the relevant resolutions of the General Assembly. By those resolutions, the General Assembly resolved to undertake, pursuant to Article 13 of the Charter, the progressive development and codification of the seven principles, so as to secure their more effective application. It was under that guidance that his delegation had dedicated itself to the preparation of the draft declaration, as an outline of those ways of development and reinforcement of international law which must be found in order to ensure the peaceful coexistence, the friendly relations and the co-operation of States in an ideologically divided world.

127. In the conception always professed by the delegation of Italy, that "outline of development" should be organically formulated in such a manner as to ensure: (a) an adequate balance between the seven principles; (b) an equally adequate balance, within each principle and in the declaration, between mere conduct-guiding propositions and organizational propositions; and (c) clear, unambiguous formulations of the seven principles and of all the other provisions.

128. First, the Italian delegation had constantly insisted on a balance between the principles because they must remain - as they were - a series of equally essential guidelines of inter-State conduct and progressive development of international law and organization. That was why it had suggested until the very last - as in document A/AC.125/L.83 - that, in the preamble, the principles should either be merely listed in a single paragraph by the titles and in the order in which they appeared in the relevant resolutions of the General Assembly - an order corresponding fairly well to the degree of importance of the various principles - or be summarized, in the same order, in a number of separate paragraphs each dealing with one principle. That would not exclude that the paragraph or paragraphs devoted to the enumeration of the principles be followed, in the preamble itself, by distinct paragraphs "singling" out specific problems considered to be, by general consensus, worthy of solution in the next decade or two.

129. His delegation would not deny that in some measure the Special Committee had tried to meet his delegation's requirement of balance. Italy's suggestions in document A/AC.125/L.83 were better reflected in the preamble as it now stood than they had been in the draft preamble originally produced. On the other hand, his delegation still saw that some principles benefited from more favourable treatment than others. In the first place, some principles were developed more broadly or in greater detail and emphasis. In the second place, the order in which the various principles were dealt with was not always the proper one. For example, the condemnation of intervention and coercion preceded the prohibition of the threat or use of force. That was not the best possible service to an international community in which the threat and use of force remained the most serious dangers.

130. Secondly, the Italian delegation had also requested since 1964, as would be seen from its statement at the Committee's sixteenth meeting, (A/AC.119/SR.16, pp. 7 to 9) that an adequate balance be struck - in the preamble, within each principle and throughout the declaration - between propositions on conduct and organizational elements. As stated in document A/AC.125/L.83, "not only the effective application and general impact" of the principles, "but their very existence and development depend^{ed} in a high degree upon the procedures, the instruments and the machineries - commonly established and commonly controlled by States - through which the rules stemming from those principles and/or inspired thereby [were] concretely applied or enforced."

131. Again, the Special Committee had met that exigency in a measure. The measure, however, was this time very small indeed - so small that the propositions concerning organizational problems could hardly be discerned in the maze of other propositions. On peaceful settlement procedures there was practically nothing. His delegation rejected as preposterous the statement made on a recent occasion that it was too late to take more adequate care of those procedures. It might have been late for some delegations, not for the delegation of Italy. Document A/AC.125/L.83 - not to mention all his delegation's proposals and statements since 1966 (A/6230, para. 574 and A/C.6/SR.939) or 1964 (A/AC.119/SR.36 p. 22) - had been submitted fully in time for men of good will to take care of peaceful settlement in a less cursory manner. The situation was not any better with regard to the control of international violence or threats of violence. The statements on disarmament and on the strengthening of the United Nations security system were - as his delegation would point out later - as rudimentary as they might have been seventy or eighty years ago.

132. A third exigency of the delegation of Italy had been that the declaration should not contain ambiguities. As the Italian Minister for Foreign Affairs had pointed out at the last session of the General Assembly the Government of Italy deemed it essential that the declaration should represent a contribution to the certainty of international law. Only as such would it help to make the rule of law more effective in the relations among States.

133. Unfortunately, that requirement was not met by all parts of the declaration. The work of the Special Committee had been too highly politicized. While a number of delegations had applied themselves more than was necessary to attaining short-term political objectives, thus losing sight of the more permanent needs of the international community, other delegations had been either too inclined (perhaps by natural disposition) or forced by the necessity of reaching a positive conclusion to push towards compromise at any price, including the sacrifice of clarity and certainty. In addition, the method of work - however efficient in the last session - had not been such at all the sessions as to ensure an adequate study and evaluation of proposals and suggestions from the legal point of view. That had been of prejudice to the technical perfection of the draft. Thus, under the principle on the prohibition of the threat or use of force, it could be read, à propos the maintenance of international peace and security, a reference to the "generally recognized principles and rules of international law with respect to the maintenance of international peace and security".

134. In the light of the three exigencies it had indicated, his delegation would put forward, as briefly as possible, its views on various parts of the text.

135. While his delegation was glad to see that, in the present version of the preamble, a greater balance had been achieved between the principles, it still felt that the text left much to be desired in that respect. In view of that, while accepting the text ad referendum in a spirit of restraint and co-operation, it must be stated that, so far as the Italian delegation was concerned, the seven principles must be considered as of equal importance and value. In addition, his delegation understood the preamble as including a reference to the study and discussions held in the Special Committee at all its sessions and, in particular, to the opinions expressed by his delegation during those sessions. In other words, the declaration contained, for Italy, an implied reference to all the reports of the Special Committee since 1964 as, so to speak, travaux préparatoires of the draft declaration.

136. The Italian delegation reiterated, with respect to the prohibition of the threat or use of force, its firm opinion that that prohibition was, according to the Charter, a general prohibition which must be complied with under any circumstances other than the exceptions contemplated in the Charter (A/AC.119/SR.16, pp. 7 to 9 and A/AC.125/SR.89, pp. 80 to 84). "Any circumstances" meant in whatever dispute or kind of dispute and anywhere, including, inter alia, the high seas, outer space and, as his delegation had stressed at the Committee's eighty-ninth meeting in 1968 (A/AC.125/SR.89, pp. 80 to 84, even the very territory of the States to which the prohibition was addressed. In view of that understanding, the legal correctness of which could not be denied, all the specifications of that prohibition contained in the text under consideration must be read - and were read by his delegation in any case - as subject to the general proviso that those specifications were spelled out "in accordance" with the statement contained in the first paragraph of the formulation of the principle and "without limiting its generality" in any way. The reasons for that - particularly with regard to the fourth and fifth paragraphs of the present text - had been repeatedly explained by the Italian delegation since 1968 in the Special Committee (A/AC.125/SR.89, pp. 82-83) and in the Sixth Committee (A/C.6/SR.1162). Reference could be made to document A/AC.125/L.83, page 4.

137. His delegation must also stress, with regard to the principle it was considering, that the paragraph concerning irregular forces or armed bands was accepted on the understanding that, as already stated by his delegation at the Committee's 109th meeting (A/AC.125/SR.109, p. 110) "the absence of a specific provision stating that States [had] a duty to refrain from acquiescing in the activities described in the said point, [was] a reflection of the opinion that, in view of the nature of those activities, an attitude of acquiescence [was] not materially distinguishable from an attitude of encouragement."

138. The paragraph concerning disarmament had unfortunately not been improved, as all could easily have done with a greater assistance of good will. That paragraph was still seriously lacking in the elements indicated by his delegation in document A/AC.125/L.83. Similar considerations applied to the paragraph concerning the United Nations security system. As his delegation had already stated, the phrase "generally recognized principles and rules of international law with respect to the maintenance of international peace and security" did not make, at least prima facie, much sense. Such being the case, the Italian delegation read and would read that paragraph in the light of the original proposal made by Italy and the Netherlands in 1966 (A/AC.125/L.24), according to which

"all States [should] comply in good faith with the duties placed upon them by the Charter with respect to the maintenance of international peace and security and [should] endeavour to make the United Nations security system fully effective". As his delegation had stated since 1964, (A/AC.119/SR.16, p. 9) to demand less would mean to regress to the situation existing prior to the Second, or even the First, World War, and would give the impression that the rule of law in international relations was even more inadequate than it actually was.

139. As regards peaceful settlement, the Italian delegation deeply regretted that the Special Committee had not reached consensus to ameliorate the 1966 text. Reiterating the observations it had constantly advanced at every session of the Special Committee since 1966 (A/6230, para. 574; A/6799, paras. 370 to 408) and also in the Sixth Committee (A/C.6/SR.939 and A/C.6/SR.1162), the Italian delegation had firmly stated at the present session that the 1966 formulation of the principle of peaceful settlement "reduce[d]", in wording as well as in concepts, the impact of Chapter VI of the Charter" and "simply disregard[ed] whole articles or paragraphs of Chapter VI, not to mention the Statute of the International Court of Justice and other important international instruments. His delegation had reiterated its dissatisfaction, first by a statement in a plenary meeting, then by document A/AC.125/L.83, and finally in the informal negotiation group. In spite of its disposition to reduce the impact of its proposals and in spite of the favourable attitude manifested by the delegations of France, the United Kingdom, the United States and others, many delegations had maintained their fin de non recevoir. Under such circumstances, his delegation felt obliged to repeat once more that, although it accepted the text pro bono pacis, it remained seriously disappointed by the fact that such an important, objective exigency of the international community had met - not without questionable procedural arguments - so little favour with some delegations. Were the text a directly binding piece of international law, his delegation would say that it marked a "regression" and a "disruption" of the law of peaceful settlement. Such not being the case, his delegation accepted it ad referendum, but declared at the same time that it was not ready to cancel, or reduce in any measure, the impact of any of the provisions of the Charter on peaceful settlement, of the Statute of the Court, or of any other relevant instrument.

140. The delegation of Italy had also actively contributed to the elaboration of the principle of equal rights and self-determination, in full adherence to the line constantly followed by Italy in the United Nations on that essential matter. It believed that it had contributed sincerely, constructively and not demagogically. It looked with particular satisfaction - even at the cost of being inmodest - at the

contribution it had made to the formulation of the first paragraph of the present text, which defined the principle as of universal application. It was glad that the third formula in the 1969 Drafting Committee's text, "inherited" by his delegation from the delegation of Japan, had been of help. It looked with gratitude, on the other hand, at the cordial and effective contribution with regard to the formulation of one of the paragraphs of the text kindly offered by the representatives of Canada, Nigeria, the United Arab Republic, Lebanon, the United States, the USSR, Syria and India. His delegation was referring to the paragraph according to which the achievement of the representative character of the government or régime fulfilled the principle of self-determination. Another source of satisfaction must be expressed by Italy for the success of its proposal in document A/AC.125/L.83 concerning the addition of a paragraph on human rights to the formulation of the principle of self-determination. His delegation was glad that the close interrelationship between human rights and self-determination had been perceived by its colleagues.

141. The Italian delegation had no particular comments at that stage on the principles concerning non-intervention, co-operation and compliance in good faith with international obligations. On the principle of sovereign equality, it would confine itself to a reference, for the sake of brevity, to page 8 of document A/AC.125/L.83, and, before that, to the Italian delegation's statement at the 939th meeting of the Sixth Committee in 1966.

142. His delegation would make a few final remarks on Italy's understanding of the impact of the document before the Committee, and on the general clauses. Placed against the background of the theory and practice of the sources of international law, the declaration could not be considered formally either as a part of customary or general international law, or as an authentic determination or interpretation of custom or treaty. Italy therefore placed the declaration under general - written or unwritten - international law, under existing treaties, and, in particular, under the Charter of the United Nations. That did not exclude, of course, that the declaration must and would have an important impact - in his delegation's view - on the formation, development and application of rules of international law, whether customary or conventional. The more it would be so as all States, large as well as small, would be effectively guided by it in their conduct within and outside United Nations bodies. It was in the light of that conception of the sources of international law that Italy understood the second paragraph of the general part of the draft declaration. As his delegation had said at the outset, the declaration was a most important document, setting forth fundamental guidelines for the conduct of States in their relations with one another, and for the

progressive development and codification of international law. It was also within the framework of that conception that Italy understood the first sentence of the last paragraph of the draft, which read: "The principles of the Charter which are embodied in this Declaration constitute basic principles of international law". The principles embodied in the declaration were principles of international law in so far as they existed as customary international law, or as part of the law of the Charter, or as part of other binding international instruments, or could be deduced therefrom. It must, however, be clear - and that was his delegation's understanding of the sentence it had quoted - that any principle of general international law and/or any principle of Charter law not embodied in the declaration was not, by way of consequence, any less a part of international law. More precisely, it was no less fundamental than the principles actually embodied in the declaration. In other words, even if something had been overlooked by the Commission in drafting the declaration, it was still alive. That understanding by his delegation applied, not only to the whole of each one of the formulations of the principles, but also, within each principle, to any paragraph or sub-paragraph of the formulation. That applied in particular to the elements missing from the formulation of the prohibition of the threat or use of force and of the principle of peaceful settlement.

143. Subject to the reservations and interpretations it had indicated, his delegation had the honour to accept, ad referendum and subject to the "si omnes" condition, the draft declaration submitted to the Committee that evening by the Chairman of the Drafting Committee. His delegation was thus able to add its voice to the final appeal contained in the text "that all States be guided" in their international conduct by the seven principles.

144. The representative of France said that the French delegation, like those which had spoken before it, welcomed the result of the work of the current session. It was particularly gratified by the circumstances in which that result had been obtained. By its very nature, a compromise could not wholly satisfy those who had accepted it and had had to abandon positions on what were often important issues. Yet there was no other way of reaching a consensus. The fact that one had been reached on such a difficult issue was in itself a triumph. It had demonstrated that a spirit of tolerance, the need for which was proclaimed in the preamble to the draft declaration, could be applied to good effect, and that the will to promote peaceful and friendly relations between States had inspired the efforts of the delegations in the Committee.

145. The three principles whose formulation had occupied the Committee at its present session were of special importance in the opinion of the French delegation, which therefore wished to comment on them. For the sake of brevity, it would refer the Committee to the observations made by his delegation on the other principles at earlier sessions.

146. The principle concerning the non-use of force was the cornerstone of international peace. The prohibition proclaimed in Article 2 (4) of the Charter should therefore be most scrupulously observed by States. It allowed no exceptions other than those expressly permitted by the provisions of the Charter, which, on that point, must be strictly interpreted in the interests of the international community. It was on that basis, which was clearly stated in the thirteenth paragraph, that the French delegation accepted the formulation of the principle.

147. The reference to special situations in the formulation of that principle did not, in his delegation's opinion, impair its absolute character, but was justified by special circumstances which needed to be more clearly specified. That applied particularly to the prohibition of the use of force to violate international lines of demarcation in the context of the relevant legal regime, the prohibition of acts of reprisal involving the use of force and the organization or encouragement of armed bands or irregular forces intended for operations in foreign territory. The latter prohibition applied, as it must in the French delegation's opinion, to all categories of irregular forces, irrespective of their composition, and no circumstance could limit the scope of its application.

148. The next point -- the prohibition of territorial acquisition resulting from the threat or use of force -- was also one of great importance. Where that and the other points were concerned, the scope of application of the Charter was clearly limited in time. The Charter had not had the effect of destroying or modifying what had occurred in the past any more than it had enhanced the legal validity of what had existed before its adoption. On the other hand, under the legal system it had established, it excluded the possibility of any future acquisition of territory by the threat or use of force.

149. The use of force against peoples lay outside the scope of Article 2 (4) in so far as it did not come within the sphere of international relations, to which that article expressly referred. To remove any ambiguity on that point, however, it had been appropriate to point out in that context that forcible action must not be employed to deprive a people of its right to self-determination; such action would certainly be contrary to the principle of equal rights and self-determination of peoples.

150. The latter principle did not only confer rights on peoples. It primarily imposed on States obligations which were of fundamental importance in the modern world. The principle dealt with the very basis of the sovereign equality of States. The latter must fully respect the will of peoples which clearly expressed their desire for political

independence; that meant, in the first place, respect for the will of peoples which had constituted themselves as sovereign and independent States and wished to preserve their freedom and sovereignty. For that reason, the French delegation's primary concern had been to emphasize the universal character of that principle, which indeed had not been disputed, and the fact that the right to self-determination was a permanent right of peoples, a right which must continue to be respected by States even after it had been exercised through a specific act. His delegation believed that that was clearly brought out in the draft declaration that had been adopted. During the negotiations leading up to its adoption, the question of defining the peoples possessing those rights had been raised on numerous occasions. The exercise of the right to self-determination was clearly limited by the need to arrive at viable situations in which independence nominally acquired could become an effective reality. It was no less obvious that the exercise of that right must not result in the destruction of what already existed and met the requirements of that principle: that was indeed the effect of the safeguard clause in the seventh and eighth paragraphs. Any people which had already established its own State undoubtedly came within that definition.

151. That being said, there was equal justification for recognizing the importance of colonial problems as a reality of the present day. Although they were, unfortunately, not the only contemporary problems to call in question the observance of that principle, those which remained were a matter of constant concern for most of the States constituting the international community, and especially for those which had recently attained independence. That concern was shared by France, which had demonstrated, not by words but by deeds, its attitude to the desire for independence of the colonial peoples for which it had been responsible. As his delegation had already stated, the rights of those peoples must not be suppressed by force. Recourse to force of that type made resistance legitimate and such resistance could, in turn, receive external support that was compatible with all the other international obligations of the States giving that support and, in particular, with those arising out of the other principles set out in the draft declaration.

152. Apart from those already mentioned, they included the principle of non-intervention. It was the necessary complement to the preceding principles. It required respect for the sovereignty and independence of States as well as the rights of the peoples constituted in States, beyond what was required by the mere prohibition of the threat or use of force: that too was a consequence of that permanent right of peoples, without which there was no freedom.

153. That principle, like those which preceded it, was one of the pillars of French foreign policy, and France believed that it must be scrupulously respected in all spheres of international activity. For that reason, the French delegation attached very great importance to the general part of the draft declaration, which stated that all the principles were interrelated and must be construed as forming a single whole. That meant that no-one could disregard the requirements of one of them, while claiming to apply another.

154. For all those reasons, the French delegation believed that the formal adoption of the present draft declaration by a free decision of all States that were now Members of the United Nations, whether or not they had participated in the preparation of the Charter, would be an act of far-reaching significance. His delegation therefore accepted the draft ad referendum, pending its final approval by all members of the Special Committee. It, of course, regarded the draft as a single whole. If any important element of that whole were to be called into question by other members of the Committee, his delegation might have to reconsider its position on the draft, and reserved the right to do so if necessary.

155. The representative of Cameroon said that his delegation, while not entirely satisfied with all the provisions of the draft declaration, welcomed its adoption by the Special Committee. The Committee's work had given the emergent nations an opportunity to play a part in the progressive development of international law, and the problems and aspirations of those countries were amply reflected in the text.

156. There were, of course, omissions which his delegation deeply regretted, particularly the lack of a provision asserting the right of nations freely to dispose of their national wealth and natural resources. A nation might be free politically, but without such a right would remain in bondage economically. In addition, many of the provisions of the draft declaration were sufficiently imprecise to leave room for their improper exploitation, and in some cases the rights and duties had not been stated in sufficiently unequivocal terms.

157. Nevertheless, the work of the Special Committee had been brought to a successful conclusion, which augured well for future efforts in that field. The texts were, on the whole, progressive and represented a positive contribution to the development of international law. The fact remained, however, that resolutions, declarations and other similar documents were not enough in themselves. Past experience had revealed a discouraging disregard for the provisions of such historic international legal documents as the Charter of the United Nations, which had been flouted both openly and under the

pretext of a lack of clarity in its formulation. He hoped that on the occasion of the twenty-fifth anniversary of the United Nations, the adoption of the draft declaration by the General Assembly would lead all States, nations and peoples to re-dedicate themselves to the purposes and principles of the United Nations, as laid down in the Charter. Even respect was not enough; what was required was a positive commitment to the provisions of the Charter and to international law as a whole. Perhaps the greatest challenge to the present generation lay in southern Africa, and a grim choice had to be made between prevention now and a difficult cure later. International peace and security based on friendly relations and co-operation among States were so vital to the international community today that no sacrifices were too great for their attainment, and those working to that end would find sufficient guidance in the provisions of the draft declaration.

158. The representative of Yugoslavia said his delegation was gratified by the Special Committee's success in completing the draft declaration in time for submission to the General Assembly on the occasion of the twenty-fifth anniversary of the United Nations. The text of the draft declaration was, on the whole, very satisfactory and reflected the great efforts made within the Special Committee since its establishment in 1964 and within the framework of the Sixth Committee of the General Assembly. It was, moreover, an indication of the limits within which it was possible to pursue the codification and progressive development of the principles of international law concerning friendly relations and co-operation among States in present political, economic and juridical conditions.

159. His delegation considered that the declaration would prove to be a historic document and it would spare no efforts to ensure that it was adopted by the General Assembly. In view of its desire that the text should be the authentic expression of the views of all members of the Special Committee, his delegation had favoured the method of consensus and was glad to see that, generally speaking, that method had been applied in elaborating the text. While the method of consensus clearly enhanced the legal importance of the declaration, it had the disadvantage that all delegations were obliged to some extent to sacrifice their particular viewpoints in order to arrive at a common denominator. The text established by that method, however, could be used as a basis for future work on the principles studied, and his delegation was convinced that approval of the draft declaration by the General Assembly would open up new prospects for the work of United Nations legal bodies, particularly the Sixth Committee.

160. His delegation found the preamble a satisfactory expression of the contents, aims and nature of the declaration, and welcomed the inclusion of the basic ideas of the joint proposal submitted by Cameroon, India and the United Arab Republic (A/AC.125/L.72/Rev.1), which his delegation regarded as extremely important for the progressive development of international law and which at the same time represented a bulwark against the use of force in the new fields of human activity which had been explored and developed as a result of recent scientific and technological advances.

161. With regard to the formulation of the principle of the non-use of force, the solution adopted to the problem of the relationship between the fight against colonialism and the ban on the use of force seemed to his delegation to be acceptable to those who were in favour of the rapid eradication of colonialism, even though as one of the sponsors of the non-aligned countries' proposal on that principle, it would have preferred to affirm in unequivocal terms the right of self-defence of peoples under colonial rule where their right to self-determination could not be freely expressed. The solution adopted provided adequate protection for the rights of those peoples and, in the context of General Assembly resolution 1514 (XV) and other General Assembly resolutions on the fight against colonialism, it widened the legal basis of that fight by interpreting the Charter in the light of changed political conditions and of the present stage of development of public international law.

162. His delegation also approved the solutions adopted in the formulation of the principles of self-determination and non-intervention and, in particular, regarded the statement of the principle of self-determination as an extremely important contribution to the development of the concept and practical application of that principle, which had played so important a role in international life since the Second World War. His delegation was convinced that time would reveal the historic importance of the work of the Special Committee, which was the first United Nations legal body since the San Francisco Conference to make a detailed analysis of the principles of the Charter, in order to codify them on the basis of the new needs and conditions created by the development of international relations in the second half of the twentieth century.

163. In conclusion, his delegation wished to thank the other delegations, the officers of the Committee and the members of the Secretariat, all of whom had contributed to the success of the Committee's work, and to express the hope that the General Assembly would adopt the declaration at its twenty-fifth session as an appropriate mark of the anniversary of the United Nations, which by its purposes and principles remained mankind's most important instrument in the pursuit of international peace and security and equal rights and co-operation among all States.

164. The representative of the Netherlands expressed his delegation's satisfaction with the final results of the long labours of the Committee. There could be no doubt that the Committee's work in itself was of great importance for the further development of international law. His delegation nevertheless wished to make three observations with regard to the draft declaration now before the Committee. Firstly, the draft declaration, despite its title, could not be interpreted as a carefully drafted legal document would be interpreted. The method of work adopted by the Committee, according to which the wording of principles or parts of principles had been negotiated at different sessions and between different groups of members had inevitably led to overlapping, inconsistencies in wording, lacunae and redundancies. No opportunities had as yet been given to review the draft declaration as a whole from a legal point of view, and it did not seem likely that such a review would be seriously undertaken. Consequently, legal consequences could not be attached to the fact that the same notions had often been expressed in the draft declaration in different wordings and that clauses which, once incorporated in one principle or part of a principle, should, in logic and law, also be inserted in another principle or part of a principle, had not been so inserted. In particular, any argumentation a contrario - already in any case a dubious process of reasoning in the interpretation of international legal documents - would be inadmissible in respect of the terms of the present draft declaration.

165. Secondly, his delegation stressed that the draft declaration, notwithstanding its importance if it were adopted unanimously by the General Assembly, would be in itself clearly insufficient to achieve a world legal order. No legal system could survive as such if its substantive rules were not coupled with adequate procedures to ensure their observances and implementation. In that connexion, it was disappointing to note the lack of emphasis given by the draft declaration to that vital aspect. In particular, the provisions of the draft declaration relating to peaceful settlement of disputes were clearly insufficient and inadequate.

166. Finally, his delegation remarked that, in reading the draft declaration as a whole, it became immediately apparent that it expressed only one aspect of international law. The quasi-totality of its terms were concerned with the acquisition and preservation of sovereign independence. While it could not be denied that the sovereign independence of States was an essential element of international law, it should not and could not remain the final truth. At the present date, there was every reason to doubt the adequacy of the prevailing world order. The over-increasing interdependence of all peoples was as yet insufficiently reflected in its rules, institutions and practices.

That interdependence required that, where necessary, national interests should be subordinated to common interests. A viable world order would be impossible if individual States continued to reject such subordination. It would be indispensable for the world to evolve into a system of strengthened global responsibilities in order to cope with global tasks. The quest for peace and security and for economic, social and cultural advancement would make it necessary for the States of the world to accept limitations of their national sovereignty on behalf of international tasks and authorities. It would be essential for the nations to be aware of the increasing need for efforts in that direction. On that vital aspect, however, the draft declaration kept a regrettable silence.

167. The representative of Canada said that, since 1964, the Committee had been engaged in a political and legal dialogue of great importance to the United Nations and to the future development of the rule of law in international relations. Canada had attempted to play a leading role in that field because the development of international law was one of the main goals of its foreign policy. Canada had not been discouraged by the lengthy deliberations which had been required to draft the declaration because the task has been one of the most important and, it hoped, enduring tasks ever undertaken by a United Nations committee.

168. His delegation would comment only on provisions of the draft declaration which had been considered during the Committee's current session because Canadian delegations to earlier sessions of the Committee and in the General Assembly had made the Canadian position clear on the other provisions of the draft declaration.

169. The Canadian delegation was gratified at the positive manner in which most members of the Committee had approached the proposal to amend the title of the declaration to read "Declaration on Principles of International Law concerning Peaceful and Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations." It was certain that the declaration, when adopted by the General Assembly, would be far more favourably received by the general public and newsmedia provided that amendment was made to its title, an amendment which was also in line with the language of Article 55 of the Charter.

170. The Canadian delegation was able to accept the draft preamble and general clauses of the declaration as they now read. It was conscious that the preamble was very long and that some of its provisions were somewhat awkwardly drafted. Nevertheless, it was aware of the difficult negotiations which, conducted in a spirit of goodwill by all members of the Committee, had resulted in the version of the preamble now before the Committee.

It was particularly grateful for the spirit of co-operation shown by delegations, which was revealed in the general reference in the preamble to relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles. 171. At earlier sessions and in the General Assembly, the Canadian delegation had commented on certain aspects of the important principle on the non-use of force. 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 lay at the very heart of the achievement of genuine world peace. The Canadian delegation was encouraged by the agreement reached on the text of that principle after the intervening slipping away from the near consensus which the Committee had reached in 1964 at Mexico City. The Canadian delegation agreed with the provisions appearing under the principle on the non-use of force and it agreed with the understanding reflected in the Chairman's report that the prohibition against the organization or encouragement of irregular forces or armed bands also included forces similar in type to those specifically mentioned in the provision of the principle relating to irregular forces. It was particularly pleased to note the good faith provisions under the principle of non-use of force relating to the important areas of disarmament and the strengthening of the United Nations security system. It commended the substance of those provisions to all Governments.

172. The Committee had over the years held some very serious debates on the principle of non-intervention in the domestic affairs of States. It had attempted to ensure that the principle would have the full weight of the world community behind it and at the same time be broad enough to embrace one of the most dangerous current forms of intervention, namely, intervention which began in a clandestine way and employed the techniques of subversion and terrorism. In view of its geographic and geopolitical position, Canada was ever conscious that intervention, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State must be prohibited. When the Canadian Government voted for General Assembly resolution 2131 (XX), it had regarded it as an important instrument which expressed the Assembly's political views on the question of condemning intervention. However, when voting for that resolution, the Canadian delegation had stated that because many legal aspects of the question of non-intervention still required examination, the Special Committee should further examine that subject. That examination had now been completed, and the Canadian delegation noted that the principle of non-intervention which had now been agreed, while not following all the provisions of General Assembly resolution 2131 (XX), embodied the greater part of its substance.

173. It was only natural that the emphasis today should be on the desire and determination of all peoples to be free and equal under the law. The principle of equal rights and self-determination of peoples was basic to the Charter and adherence to it must be the practice of all States. Like the principle of co-operation, it already enjoyed a considerable measure of universal acceptance. Unlike the principle of co-operation, however, it was directly linked with the principle of non-intervention and, through it, with the principles on the threat or use of force and sovereign equality. That was why the Committee had encountered such difficulties in the drafting of that principle. Through patient labour it had been successful in overcoming the problems and the result was acceptable to the Canadian delegation.

174. With regard to the specific text of the principle on self-determination, the Canadian delegation agreed with the first paragraph, which carefully balanced the duty of States to respect and promote the right of self-determination, and the right of peoples freely to determine their political status and to pursue their economic, social and cultural development without external interference.

175. The new text of the second paragraph represented the spirit of constructive compromise by which points II and III in the 1969 Drafting Committee's report (A/7619, para. 180) had been combined. His delegation believed it reflected well on its view that the substance of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples should not be ignored. That declaration represented the culmination of a whole history of expressions on liberty as a fundamental human right. It was a politically motivated expression of the General Assembly which had had persuasive force in the Committee's drafting of the legal elements of the principle.

176. His delegation supported the formulation of the fourth paragraph which had been recommended by the Drafting Committee. Unfortunately, the term "self-determination" had sometimes been understood to mean full independence legally, politically and economically, for only by such status had many considered themselves to be in a position to determine freely their own destiny. However, the Canadian delegation had noted with approval that, in the legal formulation of that principle, the Committee had guarded against too rigid and inflexible a definition of self-determination which, directly or indirectly, might be taken to mean independence alone. It recognized that

there were people who neither wished nor perhaps were able to assume the heavy responsibilities of independent States and consequently preferred to find their full self-expression as part of a sovereign and independent State.

177. The Canadian delegation welcomed the compromise text which had been formulated for points IX and X in the 1969 Drafting Committee's text (A/7619, para. 180), as reflected in the last two paragraphs of the principle. It wished to take the opportunity of thanking the members of the Committee for according it the privilege of assuming the chairmanship of the working group on point IX and of recording its appreciation of the co-operation which had resulted in the formulation of the so-called safeguards clause now before the Committee. The Canadian delegation had always regarded the inclusion of the last two paragraphs as essential safeguards if those principles were in fact to further friendly and peaceful relations between States. As the Canadian delegation had stated in 1967, it was, in Canada's view, essential to indicate clearly in that principle, firstly, by whom the rights of self-determination should be enjoyed and, secondly, against whom and under what conditions they might be invoked, and under what conditions they might not be invoked. That the Committee had now done and there would thus be no danger that some might be misled in attempting to invoke the principle to justify the dislocation of a State within which various communities had been co-habiting successfully and peacefully for a considerable time. All members of the Committee were aware of many areas in the world where situations existed which might wrongly fall within that principle if there were not a specific safeguards clause. The Canadian delegation therefore considered that the agreed formulation on that point accurately reflected the aims and purposes of the Charter and the contemporary norms of international law, that the declaration should not be used to dismember or impair the territorial integrity or political unity of sovereign and independent States which conducted themselves in accordance with the principle of self-determination of peoples and were therefore possessed of a government representing the whole people of the territory of that State.

178. The Canadian delegation looked forward with enthusiasm and optimism to the twenty-fifth session of the United Nations General Assembly as the most appropriate occasion for the adoption of this draft declaration on principles of international law concerning peaceful and friendly relations and co-operation among States in accordance with the Charter of the United Nations. It would represent a major step in the development of the rule of law among all nations and in the preservation of peace among all mankind.

179. The representative of Poland said that, with reference to the tenth paragraph of the principle concerning the non-use of force, his delegation wished to state that because the text of safeguard clauses (a) and (b) was quite new, his delegation had been unable to obtain instructions from its Government. It considered that the text deserved full consideration and would submit it to its Government.

180. With regard to the seventh paragraph of the principle of equal rights and self-determination of peoples, which established the conditions in which a State was regarded as conducting itself in conformity with that principle, his delegation was prepared to accept the text of the paragraph in the spirit of compromise essential to the success of the Special Committee's work. In particular, his delegation had decided to support the formula "the whole people belonging to the territory", which took into account the de facto situations now existing in the Near East and Africa. It nevertheless considered it necessary to state that that formula could in no circumstances be interpreted or invoked as providing legal justification for any State to make territorial claims against other States or to engage in revisionist propaganda against existing frontiers, since such propaganda and revisionist activities would be in flagrant conflict with the concept of peaceful and friendly relations among States.

181. Lastly, his delegation considered that the formulations contained in the draft declaration did not take sufficient account of the positions and attitudes of Governments as reflected in resolutions and declarations adopted unanimously or virtually unanimously by the General Assembly and particularly in resolution 1514 (XV), which occupied a place of special importance in the history of contemporary international relations.

182. The representative of Nigeria said that the approval of the draft declaration marked the culmination of many years of exhaustive study and discussion. His delegation attached special significance to the fact that the draft declaration was the product of a genuine consensus of opinion and not of mere vote-taking. It consequently felt justifiably optimistic about its general acceptance and application.

183. Many elements had unfortunately been omitted from the draft, despite the fact that there had been no substantive disagreement on the subject. Since, however, the present period was one of the progressive development and codification of international law, his delegation felt sure that any deliberate or unwitting omissions would soon be rectified. More specifically, his delegation regretted the Committee's failure to accept the idea that the term "force" as employed in the principle of the non-use of force denoted economic and political prejudice as well as every kind of armed force. It also deplored the fact that no reference had been made, either in the principle concerning

self-determination or in the preamble, to General Assembly resolution 1514 (XV), containing the Declaration on the granting of independence to colonial countries and peoples.

184. His delegation deeply appreciated the readiness to compromise displayed by all members of the Committee, since that attitude was undoubtedly the key to the attainment of peace and security in the world.

185. The representative of Kenya said that his delegation was satisfied with the draft declaration and hoped that the General Assembly would also endorse it unanimously. His delegation considered it an important landmark in the progressive development and codification of the principles of international law.

186. His delegation wished, however, to express its understanding of some aspects of the draft. His delegation was of the opinion that all the principles of the draft declaration formed a compact whole and were all interrelated. It would therefore be wrong to interpret any part of a principle set forth in the draft declaration in such a way as to prejudice any other principle.

187. His delegation was also of the view that the draft declaration, like the Charter of the United Nations, recognized that peoples, too, possessed rights recognized in international law, the most important being the right to self-determination, freedom and independence. One aspect of that right which his delegation wished to emphasize was the right of peoples to seek and receive support of any kind, including armed support, in their resistance to forcible action aimed at denying them their right to self-determination, freedom and independence. That was their right in the exercise of self-defence and, in the opinion of his delegation, that right was in no way prejudiced by the prohibition of the organization or encouragement of the organization of irregular forces for incursion into the territory of another State or by the ban on organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in such acts, as provided for in the principle concerning the non-use of force. In his delegation's view, the struggle for self-determination fell entirely outside the ambit of the eighth and ninth paragraphs of the formulation of that principle.

188. The representative of Madagascar said that Madagascar had always upheld the principles embodied in the draft declaration and had been responsible for the inclusion of an item relating to certain of those principles in the agenda of the General Assembly at its twentieth session.

189. While regarding the draft declaration as an important step forward in the vast and complex field of international law, his delegation did not find it satisfactory in every respect. To begin with, several points which it considered to be essential and which it, together with other delegations, had proposed for inclusion, had been omitted. They related, among other things, to the right of self-defence, economic pressures and General

Assembly resolution 1514 (XV). Moreover, it was necessary to make it clear that the present wording of the principle concerning the settlement of international disputes by peaceful means meant that States should have recourse to judicial settlement only when all the other peaceful procedures normally employed had failed, in other words, that States were not compelled to such a settlement.

190. As regards the choice of the word "or" or "and" in the second paragraph of the principle concerning non-intervention, his delegation considered that "or" was preferable, since the use of the word "and" would bring a double condition into play instead of two juxtaposed but quite separate conditions.

191. With respect to the proposal for amendment of the title of the draft declaration, his delegation would be in favour of inserting the word "peaceful" before "relations", since many of the points covered in the declaration concerned peaceful as well as friendly relations. The final decision would of course lie with the General Assembly.

192. With regard to the Special Committee's report his delegation thought that it should have included a reference to part B of General Assembly resolution 2103 (XX), in which the Assembly requested the Special Committee "to take into consideration ... in drafting its report" the request by Madagascar for the inclusion in the agenda of the Assembly at its twentieth session of the item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities" and to the discussion of that item at the twentieth session of the Assembly.

193. The representative of Czechoslovakia said that a serious shortcoming of the preamble was the absence of any reference to the Declaration on the granting of independence to colonial countries and peoples. The operative part of the draft declaration did not clearly state the right of colonial peoples to support in their struggle for national liberation and contained no censure of colonialism and racial discrimination, so that a reference to that right, at least in the preamble, was a minimum requirement and, from the standpoint of the Czechoslovak delegation, represented a compromise.

194. Another shortcoming, which affected the operative part as well as the preamble of the draft declaration, was that some points were covered only in the preamble and not in the operative part where they belonged because of their character. That applied to the principle concerning the prohibition of political, economic and other forms of coercion. The Czechoslovak delegation, which had included that point in its original draft, had hoped that it would be incorporated in the principle concerning the non-use of force, but would not have objected to its inclusion in the general part of the declaration, since it affected more than one principle. Although it noted that the idea had found

some expression in the principle concerning non-intervention, it wished to repeat that, in its view, the proper place for that point was either in the principle concerning the non-use of force or in the general part of the declaration.

195. The principle concerning the non-use of force now differed considerably from the original draft. Although the Czechoslovak delegation appreciated the need for compromise, it felt obliged to state that it had been prepared to accept the proposal contained in the working document circulated a few days previously, a proposal which had been the result of long discussions and a number of compromises. It regretted that that text had proved unacceptable to some delegations. A new draft of the former seventh paragraph, now the tenth paragraph, had appeared that day. The Czechoslovak delegation had not yet had time to study it and was not therefore in a position to give its views on it. It believed however, that the text deserved careful consideration and might serve as a basis for a solution of the problem. The Czechoslovak Government would be informed of that text and of the draft declaration as a whole. The Czechoslovak delegation also regretted that that principle did not reflect the right of colonial peoples to seek and receive support in their struggle for liberation.

196. With regard to the principle concerning non-intervention, the Czechoslovak delegation noted with satisfaction that all delegations had considered it possible to include an important part of General Assembly resolution 2131 (XX) in its formulation.

197. It wished to take the opportunity of stating that it fully understood and supported the views expressed by the Polish delegation on the penultimate paragraph of the principle concerning equal rights and self-determination. Czechoslovakia had much bitter experience of revanchist policies and propaganda on the part of certain circles in western countries. Such policies and propaganda were absolutely contrary to the policy of peaceful co-existence and friendly relations and co-operation between States.

Czechoslovakia's attitude towards such policies and propaganda had been expressed many times in official statements by the Czechoslovak Government and was sufficiently well known to need no repetition.

198. In conclusion, the Czechoslovak delegation would like to say that, thanks to the above guidance and strenuous efforts of the Chairmen of the Special Committee and the Drafting Committee, the Special Committee's work might be regarded as successful. It hoped that the Governments of Member States would take the same view and would facilitate the formal adoption of the draft declaration at the forthcoming anniversary session of the General Assembly.

199. The representative of Australia said that his delegation was pleased at the progress reflected in the draft declaration and paid a tribute to those who had contributed to its production. The task of the Committee had not been to amend the Charter but, in accordance with Article 13, to elaborate some of its most important principles for the purpose of encouraging the progressive development and codification of international law. Where there was ambiguity in the declaration, its effectiveness would to a certain extent be impaired. It was nevertheless in the interests of progress to record what agreement could be achieved, even though some aspects might not be satisfactory to some of the parties concerned.

200. On preambular paragraph 16, the Australian view was that General Assembly resolutions were recommendatory and not binding upon Member States. Resolutions of the General Assembly could therefore play on a limited role in relation to the interpretation of the declaration. There would be different ideas about which resolutions, or parts thereof, were relevant, and in any case they could not be understood as overriding or amending provisions of the Charter.

201. The inclusion in the principle on the non-use of force of a paragraph stating that States had the duty to refrain from organizing or encouraging the organization of any form of irregular forces or armed bands was essential. So, too, were references to the prohibition on organizing or participating in actions of civil strife in another State. Those activities were unfortunately present in the area of which Australia formed a part, namely in South East Asia, and were a breach of Article 2 (4) of the Charter. The Charter made lawful the use of force in accordance with a decision of a competent organ of the United Nations, by a regional agency acting in accordance with Chapter VIII, and in the exercise of the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter.

202. The principle of equal rights and self-determination was of general application and importance, and its implementation must be based on the "freely expressed will of the peoples concerned". In the case of colonial situations, Administering Authorities had important responsibilities under the Charter, and Australia could not accept any assertion that the execution of obligations by administering Powers in accordance with the Charter was contrary to the Charter.

203. The Australian delegation held that alien subjugation, domination or exploitation was inconsistent with the principle of equal rights and self-determination and a denial of fundamental human rights, and interpreted the second paragraph of the principle of equal rights and self-determination in that light.

204. With respect to the fifth paragraph of the principle, States could not engage in forcible action which deprived or which was clearly intended to deprive peoples of their right to self-determination. That did not mean, however, that administering Powers could not take normal action required to maintain law and order, which by definition would be of a temporary nature with the aim of facilitating conditions under which colonial peoples could proceed rapidly to the point where their wish to exercise their right to self-determination could be fulfilled. Where peoples were being deprived of their right to self-determination by forcible action, they were entitled to seek and receive such support as was in accordance with the principles and purposes of the Charter. It was not within the power of the Special Committee or the General Assembly to confer on peoples a legal right to seek and receive support which was not in accordance with the Charter. States could not intervene by giving military support or arms in a Non-Self-Governing or Trust Territory. Nor did the Charter legalize the right of colonial peoples to seek and receive armed support to achieve self-determination.

205. Australia reserved its right to state further its views on the above two principles and on other aspects of the declaration at the twenty-fifth session of the General Assembly. Australia wished to record its support for the declaration, which was being submitted ad referendum to Governments on the understanding that it had been accepted by members of the Committee as a package, subject to final confirmation at a later stage.

206. The representative of Syria said that the draft declaration constituted a major achievement in international law and relations, although it was by no means completely satisfactory because it omitted some important ideas. His delegation shared the regret of the Soviet Union delegation that it made no direct reference to General Assembly resolution 1514 (XV), but was glad that it contained many of the substantial concepts embodied in that resolution. Syria also welcomed the fact that the draft declaration included several important ideas connected with the self-determination of peoples and that it clearly recognized the rights of oppressed and dominated peoples to free themselves by any means, including the use of force, and to seek and receive support in doing so.

207. As far as specific paragraphs of the draft declaration were concerned, his delegation endorsed the statement on international lines of demarcation in the formulation of the principle of the non-use of force, but did so on the understanding that no element of inviolability could attach to any line of demarcation resulting from an act or war of aggression. International demarcation lines and armistice lines,

because of their very temporary nature, could not benefit from the inviolability accorded to national and historical boundaries where such demarcation lines and armistice lines were the outcome of the unjustified use of force. Syria considered that the condemnation of acts of reprisal in that formulation should be accompanied by the condemnation of so-called preventive attacks. The statements in the eighth and ninth paragraphs of the formulation should not be interpreted as denying peoples who were suffering from colonialism, military occupation, oppression or any other form of foreign domination the right of individual and collective self-defence and the right to seek and receive all forms of assistance in their struggle for freedom and self-determination. Those rights were enshrined in the Charter and in General Assembly resolutions. They were also expressed in specific statements in the draft declaration itself, for instance, in the fifth paragraph of the formulation of the principle of self-determination. The eighth and ninth paragraphs of the formulation of the principle of the non-use of force therefore had to be interpreted in the light of the statement in the first paragraph of the general part of the draft declaration that each principle should be construed in the context of the others. His delegation also interpreted the second paragraph of the general part as referring to those rights. Liberation movements were legitimate and their right to support from peace-loving peoples and States could not be prejudiced by the prohibitions contained in the eighth and ninth paragraphs of the formulation of the principle of the non-use of force.

208. With regard to the principle of the peaceful settlement of disputes, Syria did not believe that the means of settlement enumerated in the second paragraph of the formulation were the only ways of settling disputes, nor were some of them necessarily the best. It therefore welcomed the inclusion of the words "or other peaceful means of their choice". Negotiation should be resorted to only when neither of the parties to a conflict had used aggression to secure a position of strength from which it could dictate to the other party.

209. As far as the principle of non-intervention was concerned, Syria took the same view of the second sentence of the second paragraph of the formulation as it did of the eighth and ninth paragraphs of the formulation of the principle of the non-use of force. It strongly supported the wording of the third paragraph, which should guide the policies of all States towards aggressors who used force to deprive peoples of their national identity, particularly in Palestine, Mozambique, Angola, Rhodesia, South Africa and various other parts of the world.

210. The representative of Mexico said that his delegation's interpretation of 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 was expressed in the proposal submitted by the Latin American States, particularly as regards the question of the legal use of force, which the draft declaration dealt with in very vague terms. Similarly his delegation regarded the sentence: "No territorial acquisition resulting from the threat or use of force shall be recognized as legal" as a declaration condemning as illegal any territorial gain resulting from the threat or use of force and, consequently, any de jure or de facto recognition of such gains was a violation of international law, regardless of whether the gains had occurred before or after the entry into force of the Charter, except for the cases referred to in Article 107 of the Charter. Moreover, his delegation wished to place on record that it regarded the acts enumerated in the eighth and ninth paragraphs of the principle that States shall refrain from the threat or use of force as being fundamentally acts of intervention, although in some cases they might also violate the principle in question, and their inclusion in those paragraphs should not be interpreted as extending the scope of Article 51 of the Charter, since his delegation maintained that the expressions "use of force" and "armed attack", both of which were employed in the Charter, could in no case be regarded as synonymous, the concept of "armed attack" being far more limited in scope than "use of force".

211. With regard to 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, he recalled that Mexico, subject to one reservation, had accepted the compulsory jurisdiction of the International Court of Justice. It had agreed that disputes arising out of the interpretation of treaties which codified or developed rules of international law should be subject to the compulsory jurisdiction of the Court. However, in that connexion, his delegation understood the reluctance of some States to accept the jurisdiction of a court which settled cases on the basis of a traditional international law which was representative of only one region of the world and which had been elaborated by only a small group of States that had formerly played a predominant role in the international community.

212. With regard to the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, his delegation had asserted on many previous occasions that General Assembly resolution 2131 (XX) was a true, well-defined principle of international law that was universally valid. The

fact that the Special Committee had decided to include that resolution in the declaration of the seven principles, without modifying its content one iota, was testimony of that. In his delegation's view, the content of General Assembly resolution 2131 (XX) and the part of the declaration adopted by the Special Committee relating to the principle of non-intervention were equally valid. One of the small changes of form made in Assembly resolution 2131 (XX) was in the second paragraph of the principle. His delegation recalled the Special Committee's interpretation of the reasons for that change, and welcomed the fact that the Committee, according to that interpretation, had unanimously agreed on the prohibition of any kind of coercion of one State by another in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. The general nature of the words "the subordination of the exercise of its sovereign rights" and "to secure from it advantages of any kind" clearly showed that the coercion of one State by another violated international law irrespective of whether the purpose was solely to obtain the subordination of sovereign rights or to secure advantages of any kind or both at the same time. His delegation, as the delegation of a State which was a Party to the Charter of the Organization of American States (OAS), could accept a change whose sole purpose was to express the content of operative paragraph 2 of General Assembly resolution 2131 (XX) in the same terms as those of article 19 of the OAS Charter. His delegation also found that change acceptable because **in inter-American** political thinking the coercion of one State by another was inadmissible whatever its purpos .

213. The representative of India said his delegation would like to join other delegations in expressing its immense satisfaction at the successful outcome of the historic mission entrusted to the Special Committee by the General Assembly of the United Nations. The principles enshrined in the draft declaration not only constituted a reaffirmation of the Charter of the United Nations but would also serve as a cornerstone of international law in general for the future. The draft declaration sought to achieve a politico-legal synthesis of the experience of States and of the United Nations since the adoption of the Charter, and his delegation had no doubt that it would make an enduring and positive contribution to the understanding and interpretation of the Charter of the United Nations in the contemporary world. It was its hope that the declaration would prove to be a living instrument and would encourage the further development of the rule of law among nations.

214. The Indian delegation considered that the reiteration of the principle concerning the prohibition of the threat or use of force, as provided in Article 2 (4) of the Charter, along with its elaboration in the draft declaration were of paramount importance in the present-day context when force was still being used in several parts of the world in contravention of the purposes and principles of the Charter. Two important provisions of that principle were those which dealt with the duty of States to refrain from propaganda for wars of aggression and with the inviolability of existing boundaries. Those provisions incorporated, in his delegation's view, fundamental rules of international law. It also attached equal importance to the provisions concerning military occupation and non-recognition of situations brought about by the illegal threat or use of force. The provisions relating to the organization of armed bands, the instigation of civil strife, and terrorist acts were the necessary corollaries of that principle and would prohibit what might be called "indirect aggression" in all its manifestations. In that context, the Indian delegation also welcomed the Committee's understanding on the scope of the term "irregular forces" in the provision relating to the organization of armed bands.

215. The Indian delegation regretted that the proposal sponsored by the delegations of Cameroon, India and the United Arab Republic regarding areas of common interest to mankind (A/AC.125/L.72/Rev.1) could not be preserved in the form in which it had been presented, despite the fact that there had been general agreement on the validity of the principle incorporated in the joint proposal. It felt encouraged, however, by the fact that the principle was reflected in the preambular part of the draft declaration and could lend great inspiration in the establishment of appropriate regimes concerning areas of common interest to all mankind.

216. Another outstanding feature of the draft declaration was the adumbration of the principle concerning the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of States.

217. The inexorable logic of events in the present-day world proved beyond doubt that any contemporary formulation of the principles relating to non-use of force and self-determination should explicitly recognize the right of peoples in dependent territories to seek and to receive all support in their struggle to obtain freedom and independence. The Indian delegation was pleased that the compromise texts that had been incorporated in the draft declaration had as their basis the approval of all members of the Committee.

218. With regard to the principle of equal rights and self-determination, General Assembly resolution 1514 (XV) constituted the basis of that principle and underlined all that was contained in it. For reasons that were well known to all members of the Committee, India has been under great restraint not to press for the inclusion of an express reference to resolution 1514 (XV) in the draft declaration. But there should be no doubt that India stood fully committed behind that resolution, which should remain the guiding star in the fight for the liquidation of the remaining relics of colonialism.

219. The universal recognition of the principle of equal rights and self-determination of peoples enshrined in the Charter and its corollaries - the emphasis on assistance to the United Nations in order to bring a speedy end to colonialism and to promote friendly relations and co-operation among States, the duty of States to refrain from any forcible action which deprived dependent people of their rights to independence, and the safeguards against disintegration of sovereign and independent States - were some of the positive features in the principle of equal rights and self-determination. The Indian Government had consistently taken the view that the right of self-determination did not apply to sovereign and independent States or to integral parts of their territory or to a section of a people or nation. Without such an understanding, the principle of self-determination would lead to fragmentation, disintegration and dismemberment of sovereign States and Members of the United Nations. The dangers in that context would be particularly acute in the case of States having multi-racial and multi-lingual populations. The Indian delegation was gratified to note that those principles found universal recognition in the draft declaration.

220. The Indian delegation considered that the principle of non-intervention was of equal significance to the other principles. The final communique of the Asian-African countries at Bandung in 1955 and the Declaration of the Non-aligned Nations of 1961 and 1964, among other documents, had sought to reassess that principle in the light of current realities. General Assembly resolution 2131 (XX) of 21 December 1965 represented the view of the international community. The Indian delegation was gratified that the concepts contained in those instruments had been fully reflected in the elaboration of that principle.

221. In inaugurating the first session of the Special Committee, Mr. García-Robles had recalled the statement made by the President of Mexico in the United Nations General Assembly on 14 October, 1959: "Mexico prefers the force of law to the resources of power". The Indian delegation believed that the present draft declaration went a long

way towards giving shape and substance to that preference and towards committing all States to protecting the weak against the abuse of power and restraining the strong from the temptations of an excess of power.

222. The Indian delegation also wished to thank, among others, the two Vice-Chairmen, the Rapporteur, the Chairman of the Drafting Committee and the co-ordinators, Mr. Blix and Mr. Sahovic, who by their skill, energy and tact, coupled with their great experience, had made valuable contributions to the Special Committee's work. Thanks were also due to the chairmen of various working and negotiating groups.

223. The representative of the United Kingdom of Great Britain and Northern Ireland said that the Committee had worked unceasingly to complete the task that had been entrusted to it by the General Assembly and it had succeeded. It now had before it the text of a draft declaration on principles of international law concerning friendly relations and co-operation among States, a text that was the product of intensive and unremitting efforts on the part of all delegations represented in the Committee. His delegation was aware that it was full of gaps and imperfections, but those who criticized it for its shortcomings and imperfections must realize that it was a product of the times, that it was, at the best, a tribute to the spirit and the aim of consensus, that most elusive but most desirable of goals. His delegation firmly believed that real progress in the field of codification and progressive development of international law could be made only on that basis of broad and general agreement.

224. With regard to the text of the draft declaration, there had been lengthy and difficult discussions about the preamble, which in its present form was far from satisfactory to his delegation and it was sure that it was equally unsatisfactory to others. In the main, his delegation believed that the present preamble, although very long, was a balanced preamble which accorded equal weight and significance to the seven principles. It might sometimes seem that one principle was more significant than another, but, in the long perspective of history, it would be seen that all were of equal importance.

225. His delegation had a few observations on the principle of the non-use of force. In the first place, and with reference to the third paragraph, his delegation would like to recall the views which it had expressed in 1968 and which were recorded in the 1968 report of the Special Committee (A/7326). It had said then that the United Kingdom delegation had always been reluctant to accept a blanket prohibition, applicable to State organs or private individuals alike, of war propaganda, because of the impossibility of reconciling such a blanket prohibition with fundamental human rights such as the right to freedom of speech and of expression. But it accepted that, since the principal purpose of the United Nations, as reflected in Article 1 of the Charter, was the maintenance of international peace and security, States themselves had a duty to refrain from propaganda for wars of aggression. The text now before the Committee in the third paragraph of the text of the principle prohibiting the threat or use of force was consistent with that point of view.

226. The United Kingdom delegation was delighted to see that the problem of the use of force to violate international lines of demarcation had been finally resolved at the current session.

227. In connexion with the sixth paragraph of the principle, which concerned reprisals, it would like to repeat that the United Kingdom delegation understood the term "force" in the agreed statement on acts of reprisal as denoting physical or armed force, in accordance with the consistent interpretation it had always given to the term "force", as it appeared in Article 2 (4) of the Charter and the elaboration of that Charter principle in the draft declaration.

228. With regard to the seventh paragraph of the principle, his delegation had said before in the Committee, and had no hesitation in repeating it, that, in principle, Article 2 (4) of the Charter was concerned with the use of force by one State against another and could not truly be interpreted as applying to situations affecting dependent peoples. The inclusion of the seventh paragraph in the principle on the use of force represented, on the part of the United Kingdom delegation, no basic departure from the position of principle it had always upheld on that issue; but it did represent a substantial move on its part in understanding, and responding to, the views of those who differed from it on that point. It believed that where forcible action was used to deprive peoples of their right to self-determination, there was a clear violation of the principle of self-determination and that was why it believed that the elaboration of the principle of self-determination (where indeed that concept was included) was the rightful place for the inclusion of that element.

229. With regard to the tenth paragraph, all members were aware that its wording had presented particular difficulties, and it was only that day that the Committee was confronted with a text which hopefully commanded or would command general acceptance. In those circumstances, it had clearly been impossible to obtain final instructions from Governments. Nonetheless, the major efforts made by all delegations to resolve the difficulties presented by that paragraph required acknowledgement. At that stage, and pending final approval from its Government, his delegation would simply wish to say for the record that it reaffirmed the already stated position of the United Kingdom Government that the Charter of the United Nations did not contain any provision which conferred any right of unilateral intervention by force in the Federal Republic of Germany.

230. Finally, his delegation would associate itself with what had just been said by the representative of Australia with respect to the cases in which the use of force was lawful under the Charter.

231. With regard to the principle of non-intervention, the text now before the Committee was acceptable to his delegation. It acknowledged with gratitude the great contribution made by Latin American countries to the development of that principle. It wished, however, to add a few words of explanation. In the first place, his delegation would recall that in the commentary to the United Kingdom proposal on non-intervention submitted at the Committee's 1964 session (A/5746, para. 205), the following was stated:

"In considering the scope of 'intervention', it should be recognized that in an interdependent world, it is inevitable and desirable that States will be concerned with and will seek to influence the actions and policies of other States, and that the objective of international law is not to prevent such activity but rather to ensure that it is compatible with the sovereign equality of States and self-determination of their peoples."

The United Kingdom delegation wished to state its understanding that the concept of intervention in the "external affairs" of States was to be construed in the light of that commentary. It would like to make one further observation on the text of the principle of non-intervention. Paragraph 2 of the text stated the obligation of every State not to interfere in civil strife in another State. His delegation would simply reaffirm part of a statement it had made at the fifty-seventh meeting of the Special Committee on 19 July 1967, expressing the understanding of his delegation on that point.

232. Turning to the principle of equal rights and self-determination, the compromise text now before the Committee represented the outcome of laborious negotiations. Like most compromises, it was less than satisfactory to all. In particular, his delegation regretted very much the absence in that text of a clause spelling out the duties of Administering Powers under the Charter. Such a text was contained in the first alternative under point VIII of the report of the 1969 Drafting Committee (A/7619, para. 180), and that alternative represented, in the view of his delegation, a specification of the duties of Administering Powers under the Charter to create conditions in which, in the interests of the peoples concerned, the exercise of the right of self-determination could be fulfilled. Its Government, as an Administering Power, was faithfully continuing to discharge its Charter obligations with respect to the few remaining Non-Self-Governing Territories for which it retained responsibility, and would continue to do so with a view to enabling all the peoples of those Territories to exercise their right to self-determination in conditions of peace and freedom.

233. With reference to the second paragraph of the text on self-determination now before the Committee, his delegation wished to put on record its clear understanding that the phrase concerning subjection of peoples to alien subjugation, domination and exploitation governed and coloured the whole of what preceded it. The subjection of peoples to alien subjugation, within the framework of a principle which was of universal application could take many forms, but whatever form it took, it was, his delegation was sure, abhorrent to all members of the Committee.

234. With regard to the fifth paragraph, his delegation fully accepted the principle that the use of forcible action to deprive peoples of their right to self-determination was a violation of the principle. By forcible action, it understood action which would involve the use of military or other armed force. But clearly that could not be understood as precluding such limited police action as might be essential to maintain or restore law and order with a view to establishing conditions in which the peoples of a Non-Self-Governing Territory would be enabled to proceed to the exercise of their right to self-determination. An Administering Power had responsibilities under the Charter to the peoples of the Territory, and those responsibilities could not be faithfully discharged except in conditions of stability and order.

235. As to the second sentence in the fifth paragraph, his delegation wished to record its view that it could not be regarded as affording legal sanction for any and every course of action which might be taken in the circumstances contemplated. The Charter neither conferred upon, nor did it deny to, a people the right of rebellion. In that respect, the Charter was neutral. But his delegation did not believe that States were entitled, under the Charter, to intervene by giving military support or armed assistance in Non-Self-Governing Territories or elsewhere. The support which, under the second sentence of the fifth paragraph, States were entitled to give to peoples deprived of their right to self-determination was, therefore, in its understanding, limited to such support as was in accordance with the purposes and principles of the Charter and was therefore controlled by the overriding duty to maintain international peace and security.

236. His delegation would not wish to conclude without expressing its sincere hope that further efforts would be undertaken in the United Nations in the near future to strengthen the means of peaceful settlement of disputes. His delegation had, time after time, expressed its dissatisfaction with the meagre consensus text on peaceful settlement which was contained in the draft declaration. Much more must be done - and his delegation was sure would be done - to reinforce the role of pacific settlement of disputes within the Charter framework, and to develop the means of peaceful settlement available to the international community.

237. His delegation wished to express the hope that the success the Committee had achieved might be attributed to the practical application of one of the principles embodied in the draft declaration, namely, the duty of States to co-operate with one another in accordance with the Charter.

238. The representative of Japan said his delegation was gratified by the successful outcome of the present session of the Special Committee. In his delegation's view, the principles embodied in the draft declaration constituted a most significant elaboration of the important principles of the Charter of the United Nations and would no doubt be interpreted in accordance with the letter and spirit of the Charter. In their concerted efforts, all delegations should constantly bear in mind the context in which the Special Committee was meeting. On the eve of the twenty-fifth anniversary of the United Nations, all Member States should give serious thought to what they could do to strengthen the Organization.

239. It was in such a dynamic and forward-looking spirit that the Special Committee had been working on the elaboration of the draft declaration with a view to its adoption at the forthcoming twenty-fifth session of the General Assembly. In that context, it seemed to be neither proper nor necessary for the Committee to concern itself with situations which had existed before the signature of the Charter, and his delegation noted with regret that the last sentence of the tenth paragraph of the principle concerning the non-use of force was not in consonance with that forward-looking spirit. Nevertheless, since the draft declaration as a whole represented an extremely significant contribution to the future of the United Nations and had been adopted on the basis of a consensus, without individual paragraphs being put to the vote, Japan, in a spirit of co-operation and conciliation, had raised no objection to that sentence, on the understanding, however, that it should not be construed as prejudicing in any way the Japanese Government's position on any relevant Article of the Charter or its interpretation with regard to any territorial question concerning Japan.

240. In connexion with the principle of the peaceful settlement of disputes, and proceeding from the same basic outlook concerning the future of the United Nations, his delegation considered it unfortunate and unsatisfactory that the role of judicial settlement, especially the role of the International Court of Justice, was not properly emphasized in the draft declaration.

241. His delegation wished, in conclusion, to express its deep gratitude and appreciation to all those whose efforts had contributed to the successful conclusion of the Special Committee's work.

242. The representative of the United Arab Republic said that the Committee was living a great moment in its history, and indeed in the history of the whole process of codification of the principles of peaceful coexistence. The Committee had before it a text which covered the whole of the principles. In that text, many members of the Committee, on all sides, would find some of the formulations which they had advanced after long hours of soul-searching and self-deliberation. All the members of the Committee were authors of the text, and that fact alone should carry it towards ultimate success. Representing a country belonging to the non-aligned world, his delegation was gratified to see that worthy task nearing its conclusion. The adoption of a declaration on the principles of peaceful co-existence had been a cardinal demand of the conference of non-aligned countries. At Belgrade and at Cairo, the non-aligned States had called for the elaboration and the adoption of a declaration on those principles.

243. Among the many positive aspects of the results of the Committee's work, one specific fact emerged as the most outstanding development, namely, that it was the first time that the principle of non-intervention and the principle of equal rights and self-determination had been elaborated in legal terms. That was an achievement of great importance, which had been made possible by building upon two important declarations of the General Assembly, resolution 1514 (XV) and resolution 2131 (XX). In that connexion, his delegation wished to record its gratitude to the Soviet Union, which had initiated the efforts which led to the adoption of those two important declarations.

244. Before commenting on the text before the Committee, his delegation wished to make two general observations. In the first place, his delegation, being pressed by the heavy work was only able, at that stage, to make preliminary comments, reserving the right of its Government to make a fuller and more comprehensive statement at a later stage presumably when coming to the stage of final adoption of the declaration. Secondly, also owing to the lack of time, his delegation had been unable to secure its Government's approval of the text. It could accept the text ad referendum only, while reserving, in full, the position of its Government. It would, of course, inform its Government that the text represented the consensus of the delegations represented in the Special Committee.

245. With regard to the preamble of the draft declaration, his delegation had hoped that it would reflect more sharply the need to solve the pressing problems facing the peoples of the Third World, and the need to offer them a better life, a more accelerated rate of development and the right to live free from colonialism and racism in all its forms.

246. In connexion with the principle of the non-use of force, his delegation had been able to accept to recommend the fifth paragraph, relating to international lines of demarcation, to its Government, solely because the statement contained in that paragraph reflected the unanimous agreement established at all stages of consultation and negotiation within the Special Committee, to the effect that nothing in that paragraph referred in any way whatsoever to situations where the Security Council issued resolutions calling upon parties to an armed conflict to cease fire. In accepting to recommend that statement to its Government for consideration, his delegation was conscious of the fact that its country was a party to the Egyptian-Israeli General Armistice Agreement concluded on 24 February 1949, which established an international line of demarcation, indeed, the only international line of demarcation that ever existed between the United Arab Republic and Israel.

247. With regard to the eighth and ninth paragraphs, which contained statements relating to irregular forces and acts of civil strife, his delegation wished to recall that it had in the past expressed its doubt concerning the advisability of including those two paragraphs under the principle of the non-use of force, because it feared that their inclusion might be misinterpreted by some in such a manner as to loosen the restriction embodied in Article 51 of the Charter with regard to the right of self-defence, which made the operation of that right conditional upon the occurrence of an "armed attack". That doubt had, however, disappeared by the inclusion of the last paragraph, which affirmed that nothing in the statements on the use of force should be construed as enlarging or diminishing the scope of Article 51.

248. On the other hand, his delegation had affirmed in the past that those two paragraphs could not be finally accepted unless there existed in the text adequate safeguards to ensure that they would not be interpreted in such a way as to harm the struggle of peoples deprived of their right to self-determination, or those supporting them. His delegation was gratified to note that the arduous negotiations on that point had resulted in providing an adequate safeguard against the possibility of such misinterpretation. That safeguard existed throughout the draft declaration as in the seventh paragraph of the principle of the non-use of force, the third paragraph of the principle of non-intervention, the fifth paragraph of the principle of self-determination and the first two paragraphs of the general part.

249. His delegation welcomed the statement in the tenth paragraph of the principle of the non-use of force because it spelled out the law of the Charter on the inviolability of the territory of a State. The first sentence prohibited the military occupation of

the territory of a State. His delegation realized that the words "in contravention of the provisions of the Charter" at the end of that sentence were meant to cover a specific situation which was dealt with in Chapter XVII of the Charter. It believed, however, that those words were not necessary in the light of the fact that that particular point was covered in the new text of the tenth paragraph under sub-paragraph (a). Yet his delegation was aware of the long and strenuous negotiation which had resulted in that paragraph. In such delicate matters, perfection in drafting was not always tenable. Nevertheless, his delegation wished to stress the advisability of omitting the words "in contravention of the provisions of the Charter" at the end of the first sentence of the tenth paragraph. It believed that such deletion would make the text clearer. It hoped the members of the Committee would ponder on that until coming to the stage of finally clearing the text.

250. On the other hand, his delegation understood that sub-paragraph (b) contained a safeguard clause of a general nature with regard to the competence of the Security Council. That general safeguard clause did not, however, give the Security Council powers beyond those expressly given to it under the Charter. The Security Council was required to enforce the Charter and to protect the territorial integrity of States. Consequently, that clause could not be interpreted in any way that would suggest that the Security Council had any power to appropriate a part of the territory of a State to another State, or to tolerate attempts by any State to occupy or annex a part of the territory of another State. Such an interpretation would be contrary to the Charter and to the draft declaration itself. Indeed, military occupation, as well as attempts at annexation by force, constituted the most serious form of an "armed attack" within the meaning of that term under Article 51 of the Charter. Accordingly, States victims of such acts had the inherent right to act in self-defence in safeguarding their territorial integrity and political independence.

251. Immense suffering would have been spared in the past and for the future if the principle of equal rights and self-determination had been respected and faithfully applied. The elaboration of the principle left no doubt as to its applicability to a people who had been uprooted and expelled from their homeland and who were still forcibly denied their right to return to their homes. In that connexion, his delegation attached the utmost importance to the statement contained in the fifth paragraph, because it expressed the legitimacy of the struggle of oppressed peoples and their right to seek and to receive all kinds of support in their resistance to oppression and in their struggle to exercise self-determination.

252. The delegation of the United Arab Republic wished to remind the Special Committee that, in 1966, it had submitted a proposal (A/6230, para. 362) designed to expand the area of agreement on the principle of sovereign equality by the inclusion of the following three elements in the elaboration of the principle of sovereign equality:

(a) "Each State has the right to dispose freely of its natural wealth and resources";

(b) "Each State has the right to move any foreign military bases from its territory";

(c) "No State has the right to conduct any experiment or resort to any action which

is capable of having harmful effects on other States." His delegation realized that it might be difficult to include those elements at such a late stage in the Committee's work. His delegation wished, however, to express its hope that its proposal would be taken up in any other context similar to that in which the Committee was at present engaged.

253. Finally, his delegation attached particular importance to the principle of fulfilment in good faith of international obligations. The first and fourth paragraphs contained statements of law which left no doubt about the obligations of States under the Charter. In that connexion, his delegation wished to draw attention to the duty of Member States to take an active stand against any State which acted in violation of the Charter. Equally, it was the duty of all Member States to stand by victims of such violations. Only if they did so, was substance given to the collective nature of the Charter obligations. With regard to the third paragraph, relating to the duty to fulfil obligations under international agreements valid under international law, his delegation wished to reiterate the statement it had made at the seventy-ninth meeting of the Special Committee in 1967, namely, that the obligations in question could derive only from agreements concluded freely and on the basis of equality. No agreement could exist in law or in fact without those essential elements.

254. The representative of the United States of America said that the purpose of the Special Committee, which had now completed the full text of a draft declaration, had been to interpret and elaborate a series of seven basic public law principles contained in the Charter of the United Nations. It had not been charged with the revision of the Charter but only with spelling out, carefully and fairly, what had already long been agreed by all Governments. The principles spelled out in the draft declaration, if it was accepted by Member States, would merit attention to the extent they were complied with in fact. Whatever contribution the statements in the elaborations of those principles might help make to a better and more tolerant world, they were not jus cogens. His delegation was not so presumptuous as to make any claim to that effect.

255. Where the preamble was concerned, the eighth paragraph, which called attention to the need to respect the right of other countries to be free from foreign intervention, must be read in connexion with the more detailed statement under the principle of non-intervention in the domestic affairs of other States. That more detailed statement, which had been carefully worked out to read consistently with the Charter of the Organization of American States, constituted a more authoritative statement on that subject than the briefly stated expression of the preambular paragraph.

256. With regard to the principle of the non-use of force, the United States had always considered that the prohibition contained in Article 2 (4) of the Charter concerned the threat or use of armed, or physical, force. The negotiating history at the San Francisco conference and the consistent practice of States supported no other view. It noted that nothing in the draft declaration in any way prejudiced that view.

257. The statement in the third paragraph that States had the duty to refrain from propaganda for wars of aggression concerned conduct by Governments. It did not speak of individual action; there was no implication whatsoever that any limitations on individual rights of expression were in any way called for.

258. The United States was pleased that, following long years of intensive discussion, others had accepted its view that an illegal use of armed force across a frontier was no less illegal when that which was crossed was an international line of demarcation. Some demarcation lines arose from armistices and had the character of armistice lines; others did not. The words "such as armistice lines" were by way of example, not limitation.

259. The express condemnation of the organization of armed bands for incursion into another State's territory and of the incitement of civil strife or terrorism in other countries was an outstanding achievement of the draft declaration. It need hardly be said that the paragraphs on civil strife and terrorism did not limit or otherwise affect the right of a State to provide assistance to a friendly Government whose administration of its own territory had been beset by civil disorder, violence and terrorism.

260. In connexion with the tenth paragraph, relating to military occupation, territorial acquisition and recognition, the United States delegation wished to state for the record that the Charter of the United Nations did not contain any provision that would limit the application of the first three sentences or the tenth paragraph of the elaboration of the prohibition against the threat or use of force in international relations with respect to the Federal Republic of Germany.

261. Attention should be drawn to the saving clause in the final paragraph of that principle. It stated that "Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful". That carefully worded expression clearly revealed a shared determination not to amend the law of the Charter. To take but one example of a use of force whose legality the Charter recognized, there was nothing in the draft declaration that could imply any limitation on the right of individual and collective self-defense recognized in Article 51 of the Charter.

262. With regard to the peaceful settlement of disputes, the obligation to settle disputes by peaceful means was no less vital in the international arena than inside a country. Real and lasting progress in improving the human condition was possible only where there was a will to resort to just and orderly procedures for resolving differences, all the more so when those differences were strongly felt. Not only did resort to force bring no permanent benefits; it was likely to provoke reactions that made progress impossible. The draft declaration thus rightly stressed the duty to resolve disputes by peaceful means rather than by armed force. The third paragraph of the elaboration of that principle correctly stated that the failure of two disputants to agree to a particular peaceful procedure for resolving their differences did not relieve either of them of the duty "to continue to seek a settlement of the dispute by other peaceful means." The fifth paragraph stated the view of all members of the Special Committee that no country, when freely accepting a particular form of settlement procedure, acted in a manner "incompatible with sovereign equality".

263. The principle of non-intervention was drafted in parallel to the provisions of the Charter of the Organization of American States, a treaty which had been the law of the land in the United States for twenty years. There was reason to be proud that concepts developed in the western hemisphere in modern times had come to play so important a part in the development of the law and political aspirations around the world. His delegation regretted that the strong emphasis of that elaboration on the illegality of subversion and terrorism was completely timely.

264. With regard to the duty to co-operate with other States, the stress placed on human rights by the draft declaration was a noteworthy and proper complement to articles 55 and 56 of the Charter. The first paragraph of that elaboration urged co-operation between States "irrespective of the differences in their political, economic and social systems." The need for co-operation between States sharing fundamental similarities in political and internal institutions was, of course, no less important - nor did the text suggest it was less important.

265. The text on equal rights and self-determination properly stated that self-determination was a universal right of all peoples. It provided no support for the assertions sometimes made that the Charter was concerned only with self-determination by the peoples of Trust and Non-Self-Governing Territories. The text also established the obligation of States to be possessed of a government representing all the relevant people if they were to be said to have fulfilled their obligations under that principle.

266. Like others in the Western European and Others Group, it was able to accept the statement in the second paragraph under this principle of a duty to bring a speedy end to colonialism because the text stated as an indispensable element the obligation to have "due regard to the freely expressed will of the peoples concerned." That correct and fundamental insistence had always been the focus of the United States administration of the Trust Territory of the Pacific Islands and of the Non-Self-Governing Territories for which it had been responsible. The draft declaration did not, needless to say, alter in any way its responsibilities under the Constitution of the United States, the Charter of the United Nations or international agreements to which the United States was a party. And, of course, reasonable men might differ as to the pace of development and how fast was "speedy".

267. The third paragraph of the principle represented an important affirmation for those who, together with the framers of the Charter, insisted that the core of the principle of equal rights and self-determination was respect for human rights. The brevity of the text on that point allowed for no mistake. It said, and without condition or limitation, that every State had "the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter."

268. The fourth paragraph stated expressly that the outcome of self-determination was not always independent statehood. The text was indisputable on that point. It stated that the "establishment of a sovereign and independent State ... or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people". The reference in the preamble, the fifth paragraph of that principle and the seventh paragraph of the principle on the non-use of force to "self-determination and freedom and independence" did not prejudice that obvious and correct statement; the word "independence" as thus used in the preamble and in the fifth paragraph implied no legal or constitutional preference for the culmination of self-determination in the form of independent and sovereign statehood. Nor were Article 73 and 76 of the Charter in any way altered.

269. The fifth paragraph, which had resulted from the most intensive negotiations, was central to the consensus in the Special Committee on that principle. The text recognized that, in those cases where the right to self-determination was being forcibly denied, the peoples entitled to that right might seek and receive support which was in accordance with the Charter. In the view of the United States, that language did not enlarge rights contained in the Charter and did not constitute a general license for an international traffic in arms.

270. The thirteenth preambular paragraph asserted that the subjection of peoples to alien subjugation, domination and exploitation was a major **obstacle** to peace. The United States delegation recognized that that strong language had been used in resolutions of the General Assembly in whose drafting the United States had participated and for which it had voted. But on the present occasion as on other occasions, it must stress that the common purpose of the international community should be to give encouragement to the peaceful exercise of the right of self-determination. In particular, that wording was not intended to furnish a weapon for those whose interest was agitation-propaganda and who should be reminded to bear in mind what the **enlightened** opinion of mankind had reason to expect.

271. The principle of the sovereign equality of States was elaborated with remarkable brevity. Were there anything approaching full respect for the statement in the text that each State "has the right freely to choose and develop its political, social, economic and cultural systems", the world situation would be totally different. No-one could forget the terror and suffering that inevitably followed from the refusal of one country to allow a neighbour to live in peace. The elaboration of the principle of sovereign equality spelled out exactly what the Charter had long provided in the terse statement of Article 2 (1). Of course, to say that a legal text was clear and correct merely took the matter a few steps forward. His delegation was obliged to hope, however, that in time there would come to be a greater acceptance of the right of each State to live its own life; cynicism and despair seemed the only alternative to that hope.

272. Among the elaborations in the declaration, that of the duty to fulfil treaty and other international legal obligations was perhaps the best drafted. Thanks were due to the United Kingdom, whose efforts in its development had been untiring and, indeed,

critical to the success of the entire declaration. There was no principle to which the United States attributed greater importance. It might appear last among the seven principles in the declaration, but it was generally recognized to be of the first importance. As the Secretary of State of the United States had said in New York the previous week in his statement to the American Society of International Law, "... nations must live up to their obligations under international agreements. International law, like any other set of rules, can function effectively only in a climate of respect and observance."

273. In conclusion, the United States delegation would like to express the hope that the Special Committee's work, which had concluded with the reference of the draft declaration to Governments, would further the high purpose mentioned by the Secretary of State of the United States, who, in the speech already mentioned, had said that a "major objective of the Nixon Administration is to further the development of a stable and progressive world community based on an accepted system of international law."

D. Informal meeting of representatives of members of the Special Committee on 15 September 1970

274. At its 114th meeting, on 1 May 1970, the Special Committee decided to authorize its Chairman to convoke an informal meeting of representatives of members of the Committee to be held at the Headquarters of the United Nations on 15 September 1970 in order to ascertain the position of Governments of States members of the Committee as regards the final adoption of the text of the draft declaration.

ANNEX

MEMBERSHIP OF THE SPECIAL COMMITTEE

COUNTRY	REPRESENTATIVE	ALTERNATES	ADVISERS
Algeria	Mr. Yahia <u>Mahammed</u>	M. Khelifa <u>Lokmane</u>	
Argentina	Mr. Julio <u>Barboza</u>	Mr. Eduardo <u>Iglesias</u>	
Australia	Mr. Owen L. <u>Davis</u>	Mr. David W. <u>Evans</u>	
Burma	U <u>Ba Ni</u>		
Cameroon	Mr. Paul Bamela <u>Engo</u>		
Canada	Mr. Edward G. <u>Lee</u>	Mr. Paul A. <u>Lapointe</u>	Mr. J.J. <u>Corbeil</u>
Chile	Mr. Eduardo <u>Hamilton</u>	Mr. Germán <u>Carrasco</u>	
Czechoslovakia	Mrs. Marta <u>Slámová</u>	Mr. Bohumil <u>Vachata</u>	
Dahomey			
France	Mr. Michel <u>Virally</u>	Mr. Jacques <u>Fournier</u>	
Ghana	Mr. Kwaku Bapru <u>Asante</u>	Mr. Kwame <u>Wirodu</u> Mr. George <u>Lamptey</u>	
Guatemala	Mr. Enrique <u>López</u> <u>Herrarte</u>	Mr. Alberto <u>Dupont-</u> <u>Willemin</u> Mr. Alberto Luis <u>Dupont-Willemin</u>	
India	Mr. K. Krishna <u>Rao</u>	Mr. N. <u>Krishnan</u>	Mr. K.K.S. <u>Rana</u> Mr. P. Chandra- sekhara <u>Rao</u>
Italy	Mr. Gaetano <u>Arangio-Ruiz</u>		Mr. Elio <u>Giuffrida</u> Mr. Mario <u>Piacitelli</u> Mr. Paolo <u>Mongozzi</u>
Japan	Mr. Hisashi <u>Owada</u>	Mr. Ribot <u>Hatano</u>	Mr. Kojiro <u>Takano</u>
Kenya	Mr. Frank X. <u>Njenga</u>		
Lebanon	Mr. Solaimane <u>El-Zein</u> Mr. Suhail <u>Chammas</u>	Mrs. Ruby <u>Homsy</u>	

COUNTRY	REPRESENTATIVE	ALTERNATES	ADVISERS
Madagascar	Mr. Roger <u>Andriamiseza</u>		
Mexico	Mr. Sergio <u>González Gálvez</u>	Mr. José Luis <u>Vallarta Marrón</u>	
Netherlands	Mr. Willem <u>Riphagen</u>	Mr. Piet-Hein <u>Houben</u>	
Nigeria	Mr. Bashir Alade <u>Shitta-Bey</u>		
Poland	Mr. Remigiusz <u>Bierzanek</u>	Mr. Jerzy <u>Osiecki</u>	
Romania	Mr. Aurel <u>Cristescu</u>	Mr. Costel <u>Mitran</u>	
Sweden	Mr. Hans <u>Blix</u>		Mr. Lars <u>Ahlstrand</u>
Syria	Mr. Mowaffak <u>Allaf</u>		Miss Siba <u>Nasser</u> Mr. Mikhail <u>Wenbeh</u>
USSR	Mr. Lev I. <u>Mendelevich</u>	Mr. Dmitri N. <u>Kolesnik</u>	Mr. Valery I. <u>Kuznetsov</u> Mr. Rais A. <u>Tuzmuhamedov</u>
United Arab Republic	Mr. E.S. Abdel Raouf <u>El Reedy</u>	Mr. Youssri <u>Rizk</u>	
United Kingdom of Great Britain and Northern Ireland	Mr. Ian <u>Sinclair</u>	Mr. Justin P. <u>Nason</u>	
United States of America	Mr. Herbert K. <u>Reis</u>	Mr. Robert B. <u>Rosenstock</u>	Mr. Richard G. <u>Brown</u> Mr. Lawrence H. <u>Hoover, Jr.</u>
Venezuela	Mr. Armando <u>Molina Landaeta</u>		Mr. Julio C. <u>Pineda Pabon</u>
Yugoslavia	Mr. Milan <u>Šahović</u>		Miss Zagorka <u>Ilić</u> Mr. Konstantin <u>Obradović</u>



**REPORT OF THE SPECIAL COMMITTEE
ON THE QUESTION OF DEFINING AGGRESSION**

13 July - 14 August 1970

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-FIFTH SESSION

SUPPLEMENT No. 19 (A/8019)

UNITED NATIONS