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

Comments received from Governments

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* Item 81 of the provisional agenda.

HUNGARY

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The duty of States to co-operate with one another

This duty is laid down in general terms (co-operation in solving problems of an economic, social, cultural or humanitarian character, and in promoting respect for human rights and for fundamental freedoms) in paragraph 3 of Article 1 of the Charter, and set out in more detail in Article 55.

A preliminary condition of co-operation is the establishment of appropriate permanent contacts between States. To promote the possibility of the establishment of such contacts, i.e. diplomatic and consular relations, the practice in respect of the recognition of States should be reconsidered. It follows from the view according to which the recognition of States has a merely declaratory effect, that a newly formed State may claim its recognition by other States, such recognition being a preliminary condition of the possibility of co-operation. There is still no explicit rule of international law to make it obligatory upon States to recognize the new States; it follows, however, from the provisions of the Charter, that recognition must by no means be refused on account of the socio-economic system of the new State.

The general multilateral international treaties aimed at co-operation between States, and the inter-governmental organizations which claim universality, should be made accessible to all States.

A very important aspect of international co-operation is economic co-operation, which is consistently stressed in the first place by the Charter of the United Nations. Its encouragement was also one of the purposes of the recent Geneva Conference on Trade and Development. The principles adopted by this conference vividly reflect the present needs of the world economy and mankind. Economic co-operation presupposes economic relations without discrimination, meaning that States should refrain in their economic relations from discriminating against other States in view of their social or economic systems. Accordingly, international economic relations should be based on the most-favoured-nation treatment.

From the duty of States to co-operate with one another there follows also the liquidation of the vestiges of colonialism in the newly liberated countries.

This involves an obligation for other States to render the less developed countries appropriate aid without political strings attached, enabling them to develop their economy according to plan, to raise the standards of living, to ensure the conditions of economic and social progress and development.

Equal rights and self-determination of peoples

The birth of the Charter of the United Nations changed the right of self-determination of nations and peoples, a political principle until then, into a genuine international legal principle.

The right of self-determination is due to every people and nation, consequently peoples and nations are direct subjects of this right. As far as the content of this right is concerned, regard should be had for General Assembly resolution 1514 (XV) which sets forth the consequences resulting from the right of self-determination with respect to the colonial peoples. Accordingly, every nation or people is free to determine its political status as well as the course of its economic, social and cultural development. The right of self-determination involves the general requirement of full independence. This should be granted to all colonial, non-self-governing and trust territories in accordance with the freely expressed will of their populations. States should promote and encourage the progress of these territories towards independence. None of the States can claim any prerogatives in the liberated countries, and treaties aimed at asserting such prerogatives should be considered null and void.

Fulfilment in good faith of international obligations

The principle that States should fulfil their international obligations in good faith is practically identical with a fundamental principle of international law namely the precept of pacta sunt servanda taken in a wider sense. According to that, the subjects of international law are bound to fulfil wholly their obligations under international treaties and international customary law. Respect for this principle is an indispensable prerequisite of international legality and of successful co-operation between States. The principle of good faith is a guiding rule in the interpretation of international treaties as well, in so far as interpretation should always be aimed at vindicating the precept of pacta sunt servanda.

It is evident, however, that only obligations validly incurred can be expected to be fulfilled in good faith. Besides the treaties invalidated for the customary reasons of nullity, one has to point out the treaties that are inconsistent with some peremptory rule of international law, the unequal treaties in particular. Such treaties cannot create valid obligations, so that the fulfilment in good faith of such obligations must not be required either.
