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IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING  
OF INTERNATIONAL SECURITY

Non-interference in internal affairs of States

Report of the Secretary-General

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LIST OF DOCUMENTS ISSUED SINCE THE CONSIDERATION OF THE ITEM BY THE GENERAL ASSEMBLY AT ITS THIRTY-SECOND SESSION

## I. INTRODUCTION

1. At its 106th plenary meeting, on 19 December 1977, the General Assembly adopted resolution 32/153 entitled "Non-interference in the internal affairs of States", in which it requested the Secretary-General to invite all Member States to express their views on the question of non-interference in the internal affairs of States and to report to the Assembly at its thirty-third session.
2. Pursuant to that request, the Secretary-General, on 21 March 1978, addressed a note to the Governments of States Members of the United Nations or members of specialized agencies, transmitting the text of resolution 32/153 and asking for the information requested in that resolution.
3. As at 18 September 1978, replies containing such information had been received from 18 States. The substantive parts of these communications are reproduced in section II below.
4. A list of documents relating to this agenda item which have been circulated since the adoption of resolution 32/153 is given in the annex.

II. REPLIES RECEIVED FROM GOVERNMENTS

BARBADOS

/Original: English/  
/7 August 1978/

1. The events of the last 12 months have been marked by the continued presence of foreign troops and mercenaries in every region in the world, Africa, Asia, Europe and Latin America, but nowhere does this foreign occupation represent a more serious threat to world peace than in Africa.
2. The Government of Barbados has always recognized that some former colonial Powers, while forced by international opinion to grant legal sovereignty to the former colonies, have found it quite impossible to divest themselves of their colonial psychology. This has resulted in the development of sophisticated and complex strategies on the part of the ex-colonial Powers to perpetuate their control over the emergent countries while simultaneously paying lip service to the principle of self-determination.
3. The Government of Barbados is very concerned about these attempts at the reconquest of former territories by any means whatsoever and demands that the principle of non-interference in the internal affairs of States be respected.
4. The Government of Barbados accordingly pledges to uphold this principle and to assist in every way possible in the implementation of General Assembly resolution 32/153 and will urge all countries to be faithful to the principle of non-interference or bear the full responsibilities for the consequences of human destruction which will certainly follow.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/  
/15 September 1978/

/See the report of the Secretary-General on the implementation of the Declaration on the Strengthening of International Security (A/33/217)./

CHAD

/Original: French/  
/6 September 1978/

1. The Government of the Republic of Chad, mindful of the Charters of the United Nations and the Organization of African Unity, solemnly proclaimed in the statement of general policy of the Higher Military Council and Provisional Government its

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commitment to maintain good relations with all countries of the world which are dedicated to peace and justice. To that end the Higher Military Council and the Provisional Government, on acceding to power, entered into negotiations with the Government of a neighbouring country, Libya, which has been occupying part of Chad's territory since 1973.

2. Libya's arrogant attitude and refusal to negotiate forced the authorities of Chad to bring the Aouzou affair before the Organization of African Unity in July 1977. Libya not only has been occupying Aouzou in the northern part of the country since 1973 but also has been openly fighting beside the rebels opposed to the legal Government, providing them with military equipment and a radio station. These events led the Government of Chad to bring its dispute with Libya before the Security Council on 7 February 1978.

3. The facts set out briefly above run counter to paragraphs 1 and 2 of resolution 32/153, which call upon States to denounce "any form of interference in the internal or external affairs of other States (...) and all techniques (...) of subversion and defamation aimed at disrupting the political, social or economic order of other States" and to undertake "necessary measures in order to prevent any hostile act or activity taking place within their territory and directed against the sovereignty, territorial integrity and political independence of another State".

4. The Republic of Chad has the right to avail itself of the provisions of resolution 32/153 and herewith requests the Secretary-General to bring to the knowledge of Member States the clear case of aggression of which it is a victim. The Government of Chad has kept the Secretary-General regularly informed of the development of this situation.

5. Chad cannot but welcome the idea of a declaration on non-interference in the internal affairs of States because it is essential that all States should undertake to co-operate on the basis of equality and mutual respect, without seeking to interfere in the internal affairs of others.

6. It would appear equally important to make provision for a number of specific measures for the effective implementation of such a declaration.

#### CHILE

/Original: Spanish/

/5 June 1978/

1. Intervention in the internal affairs of a State can be carried out by another State, an international organization comprising a number of States, or private entities having interests in various States.

2. Various multilateral treaties of both an international and a regional character have, in one form or another, repudiated intervention by States in the internal affairs of other States.

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3. At the international level, there is first and foremost the Charter of the United Nations whose principles include those of "equality" (Art. 2, para. 1); "independence" (Art. 2, para. 4) and, in paragraph 7 of that same Article 2, the provision to the effect that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but", the Article adds, "this principle shall not prejudice the application of enforcement measures under Chapter VII". We shall refer to these measures later.

4. At the regional level, mention should be made of the Inter-American Convention on Rights and Duties of States (Seventh International Conference of American States, Montevideo, 1933), article 8 of which stipulates that "no State has the right to intervene in the internal ... affairs of another". This principle has been reiterated on the following occasions: Buenos Aires (1936), Lima (1938), Bogota (1948), the Act of Chapultepec (1945), Rio de Janeiro (TIAR in 1947), Caracas (1954) and Santiago (1959).

5. There is, then, a world-wide and inter-American regional consensus that intervention in the internal and external affairs of another State shall be condemned. However, such intervention has been taking place, especially in the case of Chile, on the pretext of safeguarding "human rights" which have not in essence been so encroached upon as to justify intervention as condemned clearly and repeatedly in international law, particularly in the instruments mentioned in paragraphs 3 and 4.

6. As has been noted, the general principle of non-intervention established in Article 2, paragraph 7, of the Charter of the United Nations allows for only one exception, namely that that principle "shall not prejudice the application of enforcement measures under Chapter VII". However, Chapter VII refers exclusively to "action with respect to threats to the peace, breaches of the peace, and acts of aggression".

7. That Chapter consists of Articles 39 to 51. Article 39 stipulates that the Security Council shall determine "the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42 ...".

- (a) As a consequence, the Security Council can make such recommendations or take the measures prescribed in Articles 41 and 42 only if there is an actual threat to peace, a breach of the peace or an act of aggression.
- (b) The subsequent Articles (40, 41 and 42) determine the extent of the Security Council's powers in the matter, but they will not be analysed here because it is clear that it is Article 39 which specifies the precise cases in which the Council may invoke the exception (which, because it is an exception, must be interpreted restrictively) to the universally accepted and oft-repeated general principle that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State" (Art. 2, para. 7).

8. As can be seen from the above, the repudiation of intervention in the internal and external affairs of other States includes both independent or individual action of one State with regard to the affairs of another and action which may involve several States at once, whether or not they are acting on the basis of an agreement among themselves or acting through some regional or international body. However, there can also be intervention by "foreign companies or consortia".

9. It will be recalled that in resolution 2625 (XXV) the General Assembly defined the concept of intervention, augmenting the traditional principles of "non-intervention" to include the concept that States shall not "tolerate" in their territory certain activities directed against another State. That concept would make it clear that such activities could include those planned or carried out by private individuals or groups in the territory of one State against the interests, sovereignty or freedom of another State. Thus toleration of, or failure to prevent, such activities can actually constitute illegal intervention. This can lead to the conclusion that, although the international instruments prohibiting intervention are binding first and foremost on the States themselves and on their Governments, from the moment when, having been ratified and published, they have the force "of law" in the national territory they are also binding on natural or juridical persons residing or operating therein. The Government of the State therefore bears international responsibility if it permits in its territory such activities as are prohibited by the treaty in question. Although in such cases the State affected by such activities does not have jurisdiction to prevent them or impose punishment on those engaged in them, it has at least the right to protest and even to have recourse to the Security Council of the United Nations to ensure that its sovereignty and its rights are respected.

10. In resolutions 2625 (XXV), 31/91 of 14 December 1976 and 32/153 the General Assembly clearly defines the very broad scope of the principle of "non-intervention". Resolution 2625 (XXV) repeats, almost word for word, what was established at Bogota in 1948 (Charter of the Organization of American States).

11. In short, to avoid repeated flagrant violations in future of the principle in question (by international organizations), the universal community, that is, the United Nations, should legislate in more detail on the scope of its sphere of competence, especially in the field of human rights and, perhaps, by the enhancement and strengthening of, and political commitment to, the implementation of the provisions of resolution 1503 (XLVIII) of the Economic and Social Council.

GHANA

/Original: English/  
/9 August 1978/

1. The Government of the Republic of Ghana attaches great importance to the principle of the non-interference in the internal affairs of other States because it guarantees every sovereign State the fundamental right to order its affairs in unfettered freedom and in accordance with the wishes of its peoples only. Besides, this policy constitutes a sound basis upon which friendly relations among States can be built for the enhancement of international peace and security. For these reasons, non-interference in the affairs of other States is a basic tenet of Ghana's foreign policy.
2. Ghana has, since its independence, adhered to the principle of non-interference in the internal affairs of Member States also because it is enshrined in the Charters of the United Nations and the Organization of African Unity.
3. At the thirty-first regular session of the General Assembly, the Ghana delegation supported resolution 31/91 of 14 December 1976, sponsored by the non-aligned countries because its provisions were in accord with Ghana's attitude on this question and also because Ghana shared the hope of other Member States that the resolution would underpin cordiality among States. This resolution basically reaffirmed the inalienable right of every State to determine, freely and without any form of foreign interference, their political, social and economic systems and their relations with other States and international organizations.
4. However, the Ghana Government is not unmindful of the responsibility of the United Nations and the OAU in maintaining international peace and security under their respective Charters. Ghana shall therefore support action by these multilateral organizations only when it has been so decided by the United Nations in accordance with Chapter VII of its Charter or as authorized in Africa by the OAU.
5. Ghana therefore supports the drawing up of a declaration aimed at making the concept of non-interference more binding on Member States of the United Nations.

GREECE

/Original: French/  
/26 June 1978/

The Greek Government is convinced that the principle of non-interference in matters within the domestic jurisdiction of States, in accordance with the

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Charter, is a mainstay of international society and that strict compliance with that principle is a necessary condition for the maintenance of international peace and security.

Intervention may take a variety of forms, both direct and indirect. The Greek Government believes, however, that armed intervention in the affairs of another sovereign State is synonymous with aggression and, as such, constitutes an extremely grave danger to international security and peace. It must therefore be strictly avoided and, when it occurs, severely condemned.

As regards the means of ensuring respect for the principle of non-interference, it is obvious that in the absence of political will on the part of certain States to abide by that principle, the competent United Nations organs must take all measures within their power to ensure its enforcement. It is clear that such measures are particularly necessary in the case of armed intervention since this involves a violation not only of the principle of non-interference but also of the principle of the non-use of force.

Greece therefore considers that United Nations organs should have no hesitation in using all the means authorized under the Charter, including the measures mentioned in Chapter VII, for the defence of international peace and security. Greece similarly supports all efforts aimed at strengthening the effective implementation of United Nations resolutions, and particularly Security Council resolutions, dealing with cases of violations of this principle. In this way non-interference in matters within the domestic jurisdiction of States can be most effectively ensured.

INDIA

/Original: English/

/19 July 1978/

1. The Government of India unequivocally supports the principle of non-interference in the internal affairs of States. It is firmly of the view that strict adherence to the provisions of the General Assembly resolution 31/91 of 14 December 1976 on non-interference in the internal affairs of States would go a long way in ensuring greater respect for that fundamental principle of international law and relations.

2. The Government of India considers that the following measures would contribute to the effective implementation of the principle of non-interference in the internal affairs of States:

(a) Universal adherence to the principles and purposes of the United Nations Charter, in particular, the principles contained in Article 2, paragraphs 2 and 4, and to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV);

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(b) Strengthening of the United Nations so as to enable it to deal effectively with any situation which threatens international peace and to act as a universal instrument of international co-operation;

(c) Elimination of existing hotbeds of tension, the cessation of the arms race and the achievement of disarmament;

(d) Elimination of all vestiges of colonialism and recognition of the right of every State to determine freely, and without any form of outside interference, its political, social and economic system;

(e) Establishment of a just and equitable international economic order in which disparities between the developed and the developing countries are reduced to a minimum;

(f) No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards another State, or interfere in civil strife in another State;

(g) No State shall permit the use of media of mass information to foment disorder, violence and unrest in another State;

(h) To enjoin the transnational corporations to contribute to the economic development of the host country and to refrain from activities aimed at exerting pressure upon the political affairs or the economic system of that country.

JORDAN

/Original: English/

/3 August 1978/

The principal policy of the successive Jordanian Governments has been that of non-interference in the internal affairs of other States, and of enhancing equitable co-operation and friendly relations with any State based on sovereign equality and mutual respect.

PANAMA

/Original: Spanish/

/7 August 1978/

The Republic of Panama favours the proclamation by the General Assembly as soon as possible of a declaration on non-interference in the internal affairs of States, to be drafted on the basis of the three fundamental pillars of the system established in accordance with the Charter of the United Nations for the effective exercise of the right to self-determination of peoples, namely:

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- I. The magna carta of decolonization (General Assembly resolution 1514 (XV) of 14 December 1960);
- II. The declaration of permanent sovereignty over natural resources (General Assembly resolution 1803 (XVII) of 14 December 1962);
- III. The Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI) of 1 May 1974).

In Panama, as throughout Latin America, there is a strong feeling of outright repudiation of intervention, of the threat or use of force against the territorial integrity or political independence of any State, and of military occupation, territorial acquisitions or special advantages obtained or which may be obtained by force or by any other means of direct or indirect coercion. The Calvo, Drago and Estrada Doctrines are without doubt outstanding examples of that collective attitude of the Latin American nations.

The Panamanian State has adopted as the corner-stone of its foreign policy the principle of non-intervention and respect for its sovereignty, independence and territorial integrity, which has provided it with a firm foundation in its internal and external relations since 1903, in its constant struggle to recover effective exercise of its sovereignty and jurisdiction in the territory known as the Panama Canal Zone.

In the history of the Latin-American experience from the holding of the Congress of Panama in 1826 to our own time we find rotatable and substantial antecedents for the principle of non-intervention which as a whole have unquestionably formed the ethical and legal basis of the proclamations adopted during the past 15 years by the General Assembly on the inadmissibility of intervention in the internal affairs of States and the protection of their independence and sovereignty.

The Panamanian Government therefore believes that in the drafting of the declaration on non-interference in the internal affairs of States, to which reference is made in paragraph 3 of resolution 32/153, account should be taken of the agreements, resolutions, declarations, pronouncements and other statements on the subject emanating from the following sources: (a) the inter-American system; (b) African, Asian and Latin-American States and the Non-aligned Movement; (c) the Helsinki Conference on Security and Co-operation in Europe; and (d) the United Nations.

#### A. The Inter-American system

1. Montevideo Convention on Rights and Duties of States, adopted by the Seventh International Conference of American States in December 1933, article 8 of which states:

"No State has the right to intervene in the internal or external affairs of another."

2. Protocol relative to non-intervention, signed at Buenos Aires on 23 December 1936 during the Inter-American Conference for the Maintenance of Peace, which was attended by Franklin Delano Roosevelt, President of the United States, in person. Articles I and II of that Additional Protocol, adopted without any qualification or reservation, read as follows:

"Article I. The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties.

"The violation of the provisions of this article shall give rise to mutual consultation, with the object of exchanging views and seeking methods of peaceful adjustment.

"Article II. It is agreed that every question concerning the interpretation of the present Additional Protocol which it has not been possible to settle through diplomatic channels, shall be submitted to the procedure of conciliation provided for in the agreements in force, or to arbitration, or to judicial settlement."

3. The Declaration of American Principles, agreed at the Eighth International Conference of American States at Lima in 1938, reaffirms that "the intervention of any State in the internal or external affairs of another is inadmissible".

4. Declaration of Mexico and Act of Chapultepec. The American States drew up further agreements on non-intervention at the Inter-American Conference on Problems of War and Peace, generally known as the Conference of Chapultepec, which met in Mexico City from 21 February to 8 March 1945.

In the Declaration of Mexico of 6 March 1945 they stated that they maintained as an essential principle governing the relations among them all that "each State is free and sovereign, and no State may intervene in the internal or external affairs of another" (art. 3). In the Act of Chapultepec of the same date, all the American States declared (part I, art. 3) that "every attack of a State against the integrity or the inviolability of the territory, or against the sovereignty or political independence of an American State, shall, conformably to Part III hereof, be considered as an act of aggression against the other States which sign this Act" and went on to say that "in any case invasion by armed forces of one State into the territory of another trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression".

5. Charter of the Organization of American States, 1948, as amended by the Protocol of Buenos Aires in 1967 (arts. 18, 20, 21 and 22).

The Charter, known as the "Charter of Bogota", adopted at the Tenth International Conference of American States, held in 1948, includes the following articles relating to the principle of non-intervention:

"Article 18. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements."

"Article 20. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized."

"Article 21. The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfilment thereof."

"Article 22. Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 18 and 20."

6. Inter-American Treaty of Reciprocal Assistance (TIAR) or "Rio Treaty", signed at the Inter-American Conference for the Maintenance of Continental Peace and Security held at Rio de Janeiro from 15 August to 2 September 1947. Article 1 of the Rio Treaty states:

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

7. Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance (TIAR), signed at San José, Costa Rica, on 26 July 1975. This Protocol of Amendment, in article II, incorporated into TIAR a new article 12 worded as follows:

"Article 12. Nothing stipulated in this Treaty shall be interpreted as limiting or impairing in any way the principle of non-intervention and the right of all States to choose freely their political, economic and social organization."

B. African, Asian and Latin-American States and the Non-Aligned Movement

In the matter of non-interference in the internal affairs of States the significant contributions of the African, Asian and Latin-American States, as reflected in the relevant communications addressed to the Secretary-General by the Governments of the States members of those regional groups, are particularly outstanding.

In this connexion, special attention and study should be devoted to the fundamental concepts of non-intervention as set forth in the following resolutions adopted at the Fifteenth Assembly of Heads of State and Government of the States Members of the Organization of African Unity held at Khartoum in July 1978:

- (a) Resolution 37, of 22 July 1978, on military intervention in Africa and measures to be taken against neo-colonialist manoeuvres and intervention in Africa;
- (b) Resolution 38, of the same date, on measures to be taken against neo-colonialist manoeuvres and foreign military intervention in Africa;
- (c) Resolution 39, also of the same date, on the inter-African military intervention force.

Panama, as a full member of the Non-Aligned Movement, endorses the political and economic decisions and declarations adopted in relation to the principle of non-intervention by the summit conferences of non-aligned countries held at Belgrade, Cairo, Lusaka, Algiers and Colombo. General Omar Torrijos Herrera, Head of Government of Panama, attended the Colombo conference in person.

In the opinion of the Panamanian Government, the final communiqué of the ministerial meeting of the Bureau of Non-Aligned Countries held at New Delhi from 7 to 11 April 1977 presents a true picture of the present situation with regard to the question of non-interference in the internal affairs of States. The situation, as described in that document, is the following:

- (i) Many non-aligned countries are exposed to direct acts of subversion and interference.
- (ii) Pursuant to the decisions of the Fifth Summit Conference, at Colombo, the Movement has secured the adoption by the thirty-first session of the General Assembly of resolutions:
  - (a) Reaffirming the inalienable sovereign right of every State to determine freely its political, social and economic systems and its relations with other States, and
  - (b) Reaffirming their opposition to any threat or use of force, interference, aggression, or political and economic occupation aimed at violating the sovereignty, territorial integrity, independence or security of States.
- (iii) The Bureau of the Non-Aligned Countries called on all members of the Movement to respond to the invitation of the Secretary-General to express their views on ways by which greater respect for the principles of non-interference in the internal affairs of States can be assured.

- (iv) The Bureau reaffirmed its conviction that non-aligned countries will most successfully resist pressures if they maintain their unity, strengthen their co-operation and solidarity and persevere along the action-oriented course of sustained implementation of their decisions and programmes.

The subject of non-interference in the internal affairs of States was also considered in the final communiqué of the ministerial meeting of the Co-ordinating Bureau of Non-Aligned Countries held at Havana from 15 to 20 May 1978. The final communiqué includes the following statement:

"The Bureau denounced the intervention and the overt and covert pressures exerted by imperialism in all its forms against the member countries of the Movement, with the aim of destabilizing them or intervening in their internal affairs, and against the peoples struggling for their rights to self-determination and independence. The Bureau recalled the resolution of the thirty-first General Assembly of the United Nations reaffirming the sovereign and inalienable right of each State to determine freely its social, political and economic system, as well as its relations with other States.

"The Bureau reiterated the importance attached by the non-aligned States to the principle of non-interference in the internal affairs of States, and expressed its dismay that the problem of interference continued with unabated intensity, jeopardizing the freedom, stability, territorial integrity, independence and sovereignty of non-aligned countries. The Bureau noted with concern that the ever more frequent instances of interference constituted one of the main forms of aggression against the Non-Aligned Movement, one of the most dynamic emancipating forces in contemporary international relations.

"The Bureau reaffirmed its firm solidarity with those non-aligned countries which continued to suffer foreign interference in their internal affairs.

"United Nations resolution 32/153 stated that a Declaration on Non-Interference in the Internal Affairs of States would be an important contribution to the further elaboration of the principles for strengthening equitable co-operation and friendly relations amongst States, based on sovereign equality and mutual respect. In that context the Bureau recommended that the Ministerial Conference of Non-Aligned Countries in Belgrade should define the basic elements of a Declaration of Non-Interference and propose further action by non-aligned countries within the framework of the United Nations. It therefore recommended that the Working Group of Non-Aligned Countries on Non-Interference in Internal Affairs of States in New York should give their immediate attention to that task."

More recently, in the political declaration of the Conference of Ministers for Foreign Affairs of the Non-Aligned Countries held at Belgrade from 25 to 29 July 1978, the question of non-interference in the internal affairs of States was singled out as one of the most serious problems of the world today.

At Belgrade the Ministers pointed with concern to the more and more overt recourse to interference in the internal affairs of independent, particularly non-aligned, countries in order to influence their socio-political development and their foreign policies and to circumscribe their independence.

Foreign interference, they added, "is carried out by means of state power and through other national and international political and economic organizations and institutions, of an official or private nature, especially the transnational corporations and mass media used in a global scale."

The modes of foreign interference identified by the Ministers for Foreign Affairs of the Non-Aligned Countries included "direct and indirect aggressive actions, pressures, subversion and organized vilification campaigns, directed especially towards undermining the independent development of the non-aligned countries and destabilizing their governments, to which end recourse is also made to armed interventions by special forces and mercenaries. These methods are increasingly employed by the racist régimes and other colonial forces in their bids to regain lost positions."

At Belgrade the conclusion was reached that "interference in internal affairs is becoming one of the principal forms of attack against the Non-Aligned Movement and the unity of the non-aligned countries."

C. Helsinki Conference on Security and Co-operation in Europe - Final Act

The "Declaration on Principles Guiding Relations between Participating States" was adopted by the Conference on Security and Co-operation in Europe which culminated in the signature at Helsinki on 1 August 1975 of a Final Act, which includes the Declaration on Principles in question. Principle VI, "Non-Intervention in Internal Affairs", was worded as follows:

"VI. Non-intervention in internal affairs

"The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

"They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State.

"They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

"Accordingly, they will, inter alia, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the régime of another participating State."

D. United Nations

1. The Charter of the United Nations has established as one of its fundamental principles that of non-intervention, which has developed within the United Nations system as a universal rule of international law, as set forth in Article 2, paragraphs 4 and 7, of the United Nations Charter, which state:

"4. All Members 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."

"7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

2. Draft declaration by Panama on the rights and duties of States (General Assembly resolution 178 (II) adopted on 21 November 1947).

Defence of the principle of non-intervention, regionally and worldwide, is a deep-rooted legal tradition in the Republic of Panama, as may be seen from the political course it has followed in the United Nations.

In the earliest days of the world Organization Dr. Ricardo J. Alfaro submitted, under the auspices of the Panamanian Government, a draft declaration on the rights and duties of States, which established as a duty that of non-intervention since, as an eminent jurist, he realized the importance of giving effect to such a declaration, in the light of the new directions being taken by international law and in harmony with the Charter of the United Nations.

The Panamanian draft was adopted as a working paper, as may be seen from General Assembly resolution 178 (II) of 21 November 1947, which instructed "the International Law Commission to draft a declaration on the rights and duties of States, taking as a basis of discussion the draft declaration on the rights and duties of States presented by Panama, and taking into consideration other documents and drafts on this subject."

The draft declaration prepared by the International Law Commission drew largely on the Panamanian draft, which included an article 5 on the duty of non-intervention. The Commission adopted the following provision based on that article:

"Article 3. Every State has the duty to refrain from intervention in the internal or external affairs of any other State."

In addition, the Commission formulated the duty to refrain from the use of

force in international relations in article 9 of its draft, the wording of which was based on article 16 of Panama's draft and on Article 2, paragraph 4, of the Charter of the United Nations. The draft article is worded as follows:

"Article 9. Every State has the duty to refrain from resorting to war as an instrument of national policy, and to refrain from the threat or use of force against the territorial integrity or political independence of another State, or in any other manner inconsistent with international law and order."

During its 1949 session the General Assembly, in resolution 375 (IV), commended the draft declaration to the attention of Member States and of jurists of all nations, leaving it to the international community to decide on further action.

3. The magna carta of decolonization (resolution 1514 (XVI))

On 14 December 1960 the United Nations General Assembly proclaimed the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV), better known as the magna carta of decolonization).

The operative part of this document determines that "all peoples have the right to self-determination" (para. 2) and declares that "the subjection of people to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation."

Finally, the Declaration stipulates that "all States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of States, and respect for the sovereign rights of all peoples and their territorial integrity" (para. 7).

4. Declaration on permanent sovereignty over natural resources (resolution 1803 (XVII) of 14 December 1962)

Bearing in mind that permanent sovereignty over natural wealth and resources is a basic constituent of the right to self-determination of peoples, the General Assembly considers that, on that question, due regard should be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of developing countries.

Likewise, the General Assembly considers "that any measure in this respect must be based on the recognition of the inalienable right of all States freely to dispose of their natural wealth and resources in accordance with their national interests, and on respect for the economic independence of States".

The declaration reaches the categorical conclusion that "violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace".

5. Declaration on the inadmissibility of intervention  
(Resolution 2131 (XX) of 21 December 1965)

This resolution is the result of the concern of the United Nations General Assembly at the increasing threat to peace due to armed intervention and other direct or indirect forms of interference threatening the sovereign personality and the political independence of States.

Consequently, the resolution recognizes 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.

Furthermore, the General Assembly reaffirmed "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 Bogotá, 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 Government 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".

In this most important document, the General Assembly states without reservation that "armed intervention is synonymous with aggression" and concludes that "direct intervention, subversion and all forms of indirect intervention ... constitute a violation of the Charter of the United Nations".

In the light of the foregoing consideration the General Assembly solemnly declares:

"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.

"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 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;

"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;

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

"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."

The Definition of Aggression adopted by the United Nations by resolution 3314 (XXIX), of 14 December 1974, substantively supplements the principle of non-intervention by reaffirming "the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity," and that "the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof".

Consequently, in accordance with the Definition elaborated by the General Assembly of the United Nations, "aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition". (Art. 1).

Panama believes it to be particularly relevant that in article 3 (e) of the Definition of Aggression elaborated by the General Assembly, an act of aggression is defined as "the use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions 'provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement'".

In resolution 31/91 of 14 December 1976 on non-interference in the internal affairs of States the General Assembly invokes the provisions of Article 2, paragraph 4, of the Charter, noting with great concern that "several Member States have been subjected to various forms of interference, pressure and organized campaigns of vilification and intimidation designed to deter them from pursuing their united and independent role in international relations".

In that resolution the General Assembly, conscious that the use of such techniques of destabilization adversely affects the maintenance of international peace and security:

"1. Reaffirms the inalienable sovereign right of every State to determine freely, and without any form of foreign interference, its political, social and economic system and its relations with other States and international organizations;

2. Declares that 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;

3. Denounces any form of interference, overt or covert, direct or indirect, including recruiting and sending mercenaries, by one State or group of States and any act of military, political, economic or other form of intervention in the internal or external affairs of other States, regardless of the character of their mutual relations or their social or economic systems;

4. Accordingly condemns all forms of overt, subtle and highly sophisticated techniques of coercion, subversion and defamation aimed at disrupting the political, social or economic order of other States or destabilizing the Governments seeking to free their economies from external control or manipulation".

In resolution 32/153 of 19 December 1977, on the same subject, the Geneva Assembly "urges all States to abide by the provisions of paragraphs 3 and 4 of General Assembly resolution 31/91, which denounce any form of interference in the internal or external affairs of other States and condemn all forms and techniques of coercion, subversion and defamation aimed at disrupting the political, social or economic order of other States".

It finally concludes that "a declaration on non-interference in the internal affairs of States would be an important contribution to the further elaboration of the principles for strengthening equitable co-operation and friendly relations among States, based on sovereign equality and mutual respect".

6. Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV) of 24 October 1970)

Convinced that the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations on the occasion of the celebration of the twenty-fifth anniversary of the United Nations would contribute to strengthening

world peace and constitute a landmark in the development of international law and of relations between States by promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter, Charter, the General Assembly agreed in this resolution to adopt and widely disseminate the text of the Declaration.

In this historic Declaration, adopted unanimously, the General Assembly expressed its conviction 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, but also leads to the creation of situations which threaten international peace and security".

Among the principles which were solemnly proclaimed pre-eminence is given to the principle of non-intervention, in the following terms:

"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 Declaration concludes by noting that the principles of the Charter which are embodied in the Declaration constitute basic principles of international law, and the General Assembly 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 the strict observance of these principles.

Resolution 31/92, adopted on 14 December 1976, reflects the General Assembly's interest in the "Implementation of the Declaration on the Strengthening of International Security".

In that resolution the General Assembly notes with grave concern "the continuing existence of focal points of crisis and tensions in various regions endangering international peace and security, the continuation of the arms race as well as acts of aggression, the threat or use of force, foreign occupation and alien domination, and the existence of colonialism, neo-colonialism, racial discrimination and apartheid, which remain the main obstacles to the strengthening of international peace and security".

The same resolution states the following:

"Reaffirms the legitimacy of the struggle of peoples under colonial and alien domination to achieve self-determination and independence and appeals to all States to increase their support and solidarity with them in their struggle against colonialism, racial discrimination and apartheid;

"Also calls upon all States to extend the process of relaxation of tensions, which is still limited in both scope and geographical extent, to all regions of the world, in order to help bring about just and lasting solutions to international problems with the participation of all States so that peace and security will be based on effective respect for the sovereignty and independence of all States and the inalienable right of all peoples to determine their own destiny freely and without outside interference, coercion or pressure;

"Reaffirms that any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constitutes a flagrant violation of the right of self-determination of peoples and the principle of non-intervention, as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security;

"Reaffirms its opposition to any threats or use of force, intervention, aggression, foreign occupation and measures of political and economic coercion which attempt to violate the sovereignty, territorial integrity, independence and security of States;

"Recommends urgent measures to stop the arms race and promote disarmament, the dismantling of foreign military bases, the creation of

zones of peace and co-operation and the achievement of general and complete disarmament and strengthening the role of the United Nations, in accordance with the Charter, in order to eliminate the causes of international tensions and ensure international peace, security and co-operation".

The resolution concludes by inviting the States which participated in the Conference on Security and Co-operation in Europe to implement fully and urgently all the provisions of the Final Act of Helsinki, which, as will be remembered, also makes reference to respect for the principle of non-intervention.

Resolution 32/154, adopted on 19 December 1977, essentially repeats the previous resolution, but reaffirms with special emphasis that "any measure or pressure directed against any State while exercising its sovereign right freely to dispose of its natural resources constitutes a flagrant violation of the right of self-determination of peoples and the principle of non-intervention, as set forth in the Charter, which, if pursued, would constitute a threat to international peace and security".

7. Declaration on the Strengthening of International Security  
(resolution 2734 (XXV) of 16 December 1970)

This Declaration was adopted as a necessary complement to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

The following are among the most important provisions of the Declaration:

"Calls upon all States to adhere strictly in their international relations to the purposes and principles of the Charter, including 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; 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; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; the duty of States to co-operate with one another in accordance with the Charter; the principle of equal rights and self-determination of peoples; the principle of sovereign equality of States; and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

"Solemnly reaffirms that, in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail;

"Solemnly reaffirms that States must fully respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, especially involving the threat or use of force, overt or covert, and refrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country;

"Solemnly reaffirms that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State, and that 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, that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force that no territorial acquisition resulting from the threat or use of force shall be recognized as legal and that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State;

"Calls upon all States to desist from any forcible or other action which deprives peoples, in particular those still under colonial or any other form of external domination, of their inalienable right to self-determination, freedom and independence and to refrain from military and repressive measures aimed at preventing the attainment of independence by all dependent peoples in accordance with the Charter and in furtherance of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960, and render assistance to the United Nations and, in accordance with the Charter, to the oppressed peoples in their legitimate struggle in order to bring about the speedy elimination of colonialism or any other form of external domination."

8. Declaration on the Establishment of a New International Economic Order (resolution 3201 (S-VI) of 1 May 1974).

In this Declaration, which marks the beginning of a new era in international relations, the General Assembly proclaims the united determination of the Members of the United Nations "to work urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice".

To that end the General Assembly declared that the new international economic order should be founded on full respect for certain principles, among which are the following:

"Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;

"The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples; (...)

"The right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities;

"The extending of assistance to developing countries, peoples and territories which are under colonial and alien domination, foreign occupation, racial discrimination or apartheid or are subjected to economic, political or any other type of coercive measures to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantages of any kind, and to neo-colonialism in all its forms, and which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control; (...)

"Extension of active assistance to developing countries by the whole international community, free of any political or military conditions."

This Declaration was, furthermore, conceived of as an additional source of inspiration for the Charter of Economic Rights and Duties of States, which was then being prepared, and as one of the most important bases of economic relations between all peoples and all nations.

9. The Charter of Economic Rights and Duties of States  
(resolution 3281 (XXIX) of 14 December 1974)

One of the fundamental principles which, according to the Charter, shall govern economic, political and other relations among States is that of "non-intervention" (chap. I).

Particularly important in this respect are the following economic rights and duties of States, which are proclaimed in the Charter:

/...

"Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever" (chap. II, art. 1).

"It is the right and duty of all States, individually and collectively, to eliminate colonialism, apartheid, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which practise such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all States to extend assistance to them." (chap. II, art. 16, para. 1).

"All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all States should avoid prejudicing the interests of developing countries" (chap. II, art. 24).

"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" (chap. II, art. 32).

10. Conclusion of a world treaty on the non-use of force in international relations

In resolution 32/150 of 19 December 1977, the General Assembly reaffirmed the need for universal and effective application of the principle embodied in Article 2, paragraph 4 of the United Nations Charter.

The General Assembly recalled its resolution 31/9 of 8 November 1976, in which it had invited Member States to examine further the draft World Treaty on the Non-Use of Force in International Relations submitted by the Union of Soviet Socialist Republics as well as other proposals and statements made during the consideration of the item, and, in addition, decided to establish a Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.

The Committee, composed of 35 Member States and representing the principal legal systems of the world, is to devote itself to "drafting a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate". Panama has been chosen as one of the Latin American members of the Committee and will participate in 1978 as an observer and in 1979 and 1980 as a full member.

## CONCLUSION

In view of the close relationship between the effectiveness of the principle of non-intervention and the task of enhancing the effectiveness of the principle of the non-use of force in international relations - concepts which have been discussed jointly in the First Committee - the Panamanian Government feels that the Special Committee established under resolution 32/150, of which Panama is a member, should take up together with the elaboration of a treaty on the non-use of force in international relations, the preparation of a declaration on non-interference in the internal affairs of States.

The Special Committee's competence in this connexion has already been established by the General Assembly, since under paragraph 2 of resolution 32/150 the Special Committee is authorized to:

- (a) Consider proposals and suggestions submitted by any State, bearing in mind the views expressed during the debates on the item at the thirty-first and thirty-second sessions of the General Assembly;
- (b) Draft a world treaty on the non-use of force in international relations;
- (c) Take into account, in drafting the treaty, the direct relationship between the non-use of force and the peaceful settlement of disputes;
- (d) Draft other such recommendations as the Committee deems appropriate.

In order that the declaration on non-interference in the internal affairs of States (para. 3, resolution 32/153) should indeed constitute an important contribution to the further elaboration of the principles for strengthening equitable co-operation and friendly relations among States, based on sovereign equality and mutual respect, the Republic of Panama feels that the General Assembly should consider the adoption of clear and expeditious rules and procedures which would invalidate the effects of any interventionist clauses or clauses which authorize the unilateral use of armed force in the territory of another State and which may be or may have been inserted in international treaties or agreements concluded by any Members of the United Nations since the entry into force of the Charter.

Article 103 of the Charter of the United Nations leaves no room for doubt on this point. The article stipulates that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".

When the text of article 50 of the draft Vienna Convention on the Law of Treaties was discussed in the International Law Commission - the article became article 53 of the final text - various countries from different regions and with different legal systems referred specifically to Article 103 of the Charter as a formal rule of jus cogens.

The text of that provision of the Vienna Convention reads as follows:

"Article 53

"Treaties conflicting with a peremptory norm of general international law (jus cogens)"

"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

It is therefore logical that the most eminent jurists of the present day should agree that most of the articles of the United Nations Charter are in reality typical provisions of constitutional law and that many of the provisions of those articles do not merely refer to procedural matters but establish rights and obligations; they cite as an example Article 2, paragraphs 3 and 4 of the Charter, which refer to the peaceful settlement of disputes and the obligation to refrain from the threat or use of force.

In view of the fact that the Charter is a treaty now accepted by no fewer than 149 States, it is not possible to ignore the legislative force which this instrument - whose provisions have been expressly accepted by the community of States of the world at the highest level - has in international relations.

Consequently, it is impossible to refute the generally accepted legal conclusion that States Members of the United Nations are prevented by the Charter from implementing any treaty which may be in conflict with the Charter, as would be the case where a treaty provided for the illegal use of force contrary to the provisions of Article 2, paragraph 4, namely, that "Members 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".

QATAR

/Original: Arabic/  
/19 July 1978/

1. The State of Qatar supports the principle, embodied in the Charter of the United Nations, concerning non-interference in the internal affairs of States, and its support of the principle of non-interference has been voiced on many occasions by its Permanent Representative. Furthermore, Qatar adheres to this principle in its friendly relations with other States.
2. The State of Qatar reaffirms its support for the principle of non-interference in the internal affairs of States and regards it as an essential prerequisite for the stability of international peace and security.
3. Qatar considers that the time has come for the adoption of an international declaration binding upon all States Members of the United Nations and enjoining respect for the principle of non-interference in the internal affairs of States and respect for the territorial sovereignty of States.
4. The State of Qatar submits to the Secretary-General some proposals which it believes will assist in the implementation of the principle of non-interference in the internal affairs of States:

Firstly, immediate international condemnation of any act of interference committed by a State against another State or group of States; and non-acceptance of any justifications or explanations intended to cover up, camouflage or justify acts of interference, such as the pretext of "security measures" used constantly by Israel to justify its continuing aggression against certain neighbouring Arab States or the pretext of protecting their own or their nationals' economic or commercial interests used by certain States on the occasion of their illegal interference or threat of interference in the affairs of other States. The condemnation must be comprehensive and must cover all forms of direct and indirect interference. When condemning such acts, the United Nations must not hesitate to take all possible measures under the Charter to counter acts of interference, including the measures laid down in Chapter VII of the Charter;

Secondly, an endeavour to guarantee the economic independence of the developing countries, and the newly independent countries in particular, since they are more exposed than others to acts of or the threat of direct and indirect intervention. One of the most important bulwarks of economic independence is international acknowledgement of the right of peoples to exploit their wealth and natural resources and to adopt the economic measures and establish the economic relations which they consider to be in the interest of their development and the welfare of their peoples.

ROMANIA

Original: French

13 July 1978

See the report of the Secretary-General on the implementation of the Declaration on the Strengthening of International Security (A/33/217).

THAILAND

Original: English

31 May 1978

The Government of Thailand upholds the principle of non-interference in the internal affairs of States. In its foreign policy statement, approved by the National Legislative Assembly on 1 December 1977, the Thai Government declared that it "shall develop friendly ties as well as economic and trade relations with all countries, irrespective of the differences in their political, economic or social systems, based on the principles of mutual respect for the independence, sovereignty, territorial integrity, equality, non-aggression and non-interference in the internal affairs of each other". Furthermore, Thailand seeks to "promote friendly relations, co-operation and good understanding with neighbouring countries based upon the above principles and the principle of the settlement of disputes by peaceful means, in order to bring about mutual benefits and to ensure peaceful co-existence" among States.

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UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

/12 September 1978/

/See the report of the Secretary-General on the implementation of the Declaration on the Strengthening of International Security (A/33/217)./

UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/

/5 September 1978/

/See the report of the Secretary-General on the implementation of the Declaration on the Strengthening of International Security (A/33/217)./

UNITED STATES OF AMERICA

/Original: English/

/6 June 1978/

1. The United States strongly supports the principle in the United Nations Charter regarding non-interference in the internal affairs of States. We welcome the opportunity to reaffirm our commitment now in view of the continuing disregard of this principle in certain parts of the world. It is essential to the maintenance of international peace and to the achievement of self-determination that States strictly observe the obligation not to intervene in the affairs of another State.

2. The United States favours effective measures to strengthen the commitment of the international community to this principle. We concur in the view that General Assembly resolution 32/153 generally offers useful guidelines for the proper conduct of international relations. However, we believe that the non-interference principle can best be achieved by universal adherence to the principles and purposes of the United Nations Charter and to the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

URUGUAY

[Original: Spanish]  
[5 June 1978]

1. The Government of Uruguay believes that the maintenance of international peace and security depends basically on absolute respect for the principle of non-intervention and on renunciation of any measures of coercion, including economic measures, applied for the purpose of illegally forcing any State to follow a specific course of political action. This respect and this renunciation, within the international legal order, affect all States and must constitute the point of departure for the relations of the more powerful with the less powerful.
2. A system of peace based on law for the purpose of realizing values which are in accordance with justice cannot be effectively achieved while interventionist practices persist, whatever their purpose and the pretext invoked to justify them. No real policy of security and détente will be achieved so long as the desire persists to impose, in an intolerant and exclusivist manner, concepts and points of view which for some may represent the virtues of truth that can never be renounced but for others give rise to the exercise of a right which likewise cannot be renounced, namely, the right of dissent. Accordingly, it is through adherence to the principles and norms of international law that the solution of disputes is to be sought at all times, as the only valid course to be followed in seeking international justice, peace and security.

YEMEN

/Original: English/  
/4 April 1978/

1. Yemen has faithfully adhered to the principle of non-interference in the internal affairs of other States. In her multidimensional relations with the neighbouring States, Yemen respects the sovereignty, territorial integrity and political independence of those States, and at the same time rejects any interference in her own internal affairs.
2. The Government of Yemen believes that interference in internal affairs of others will not only threaten world peace and security but will also hinder co-operation among people and countries. Moreover, the principle of non-interference in the internal affairs stems, in our view, from the other principles embodied in the Charter of the United Nations, in particular, the principle of non-use of force against the territorial integrity or political independence of any State and the principle of self-determination.
3. For these considerations, the Government of the Yemen Arab Republic condemned all forms of foreign intervention, whatever the motives for such action. To this end, Yemen voted in favour of both General Assembly resolutions 31/91 and 32/152 during consideration.
4. In his statement before the General Assembly at the thirty-second session, the Foreign Minister of the Yemen Arab Republic, Mr. Abdulla Alasnag reaffirmed that Yemen "seeks to help in the solution of many differences through quiet diplomacy and responsible action, in connexion with any friction or provocation that it may face, including even intentional or unintentional violations of its territorial waters, land and air space. We thereby reaffirm our adherence to the United Nations Charter and our keen desire to seek appropriate solutions through dialogue and bilateral contacts".

YUGOSLAVIA

/Original: English/  
/7 July 1978/

1. The Government of the Socialist Federal Republic of Yugoslavia had already expressed its views on the question of non-interference in the internal affairs of States in its reply of 15 July 1977, which is contained in document A/32/164

of 2 September 1977. The views expressed in the aforesaid reply continue to reflect the position of the Government of Yugoslavia concerning this matter.

2. The conduct of States in international relations since the transmission of the above reply of the Government of Yugoslavia has actually confirmed the justified character of the demand that the international community should exert additional efforts in order to curb various forms of interference in the internal affairs of States, which provoke a further deterioration of international relations and threaten international peace and security.
3. It clearly emerges from the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (General Assembly resolution 2131 (XX)) and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (Assembly resolution 2625 (XXV)) that all the aspects of the problem of interference in the internal affairs of States, to the extent necessary today, are not covered by either of these two documents.
4. Foreign interference in the internal affairs of States under contemporary conditions, as stressed in the reply by the Government of Yugoslavia last year, may assume most varied forms. In order to justify foreign interference, various theories proclaiming the alleged right of some States to intervene, even by armed force, are being advanced with regard to certain questions of principle involving the inalienable right of States and peoples freely to choose their internal system and chart the course of their social development. Bearing in mind the extremely negative impact of such a practice on international relations, the Government of Yugoslavia considers that the United Nations should exert appropriate efforts in order to remove all such threats.
5. The present situation causes concern to all the countries of the world and, in particular, to the non-aligned and developing countries which are most frequently the object of foreign interference. The non-aligned countries have drawn attention to this at all of their gatherings.
6. The United Nations should, as a matter of urgency, examine all manifestations of interference in the internal affairs of States, identify the various forms of such interference as well as its causes, adopt a clear and unambiguous stand regarding the inadmissibility of such conduct by States in international relations, and draw necessary conclusions with a view to eradicating these phenomena.
7. An in-depth study and appropriate elaboration of the problem of interference in the internal affairs of States, from the points of view of codification, etc., would not only reaffirm the principle of non-interference, but would also positively affect the development and strengthening of mutually beneficial co-operation and friendly relations among States.
8. With a view to promoting a further study of these problems and taking

effective steps for preventing all forms of interference in the internal affairs of States, the General Assembly of the United Nations should address itself to the question of the organizational framework within which activity directed toward that end should evolve. The Yugoslav Government believes that one of the immediate and feasible actions would be the drafting of a special declaration of the United Nations on the prohibition of interference in the internal affairs of States or further elaboration of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, which was adopted at the twentieth regular session of the General Assembly of the United Nations.

ANNEX

List of documents issued since the consideration of the item  
by the General Assembly at its thirty-second session

- A/C.1/32/2 Letter dated 12 September 1977 from the representatives of Burundi and the Libyan Arab Jamahiriya to the Secretary-General
- A/C.1/32/8 Letter dated 8 November 1977 from the representatives of Bulgaria and the German Democratic Republic to the Secretary-General
- A/32/424 Letter dated 6 December 1977 from the Permanent Representative of Israel to the Secretary-General
- A/32/420 Letter dated 2 December 1977 from the Permanent Representative of Panama to the Secretary-General
- A/32/450 Report of the First Committee
- A/32/495 Letter dated 20 December 1977 from the Permanent Representative of the Libyan Arab Jamahiriya to the Secretary-General
- A/33/51 Letter dated 21 December 1977 from the Permanent Representative of Oman to the Secretary-General
- A/33/56-S/12545 Letter dated 27 January 1978 from the Permanent Representative of the Libyan Arab Jamahiriya to the Secretary-General
- A/33/73 Letter dated 28 March 1978 from the Permanent Representative of Panama to the Secretary-General
- A/33/96 Letter dated 9 May 1978 from the Permanent Representative of Panama to the Secretary-General
- A/33/131-S/12732 Letter dated 8 June 1978 from the Permanent Representative of the United Republic of Tanzania to the Secretary-General
- A/33/152 Letter 16 June 1978 from the Permanent Representative of Bulgaria to the Secretary-General
- A/ 33/169 Letter dated 3 July 1978 from the Permanent Representative of Yugoslavia to the Secretary-General
- A/33/174 Letter dated 7 July 1978 from the Permanent Representative of Panama to the Secretary-General

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A/33/201 Letter dated 26 July 1978 from the Chargé d'Affaires of  
Bulgaria to the Secretary-General

A/33/234 Note verbale dated 5 September 1978 from the Permanent  
Representatives of Benin and Guinea to the Secretary-General

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