



FULL TEXT OF AN ADDRESS
BY
THE CHIEF MINISTER OF GIBRALTAR
THE HON P R CARUANA QC
TO
THE UNITED NATIONS
COMMITTEE OF 24

Mr Chairman,

Thank you for this further opportunity to address the Special Committee. Despite these annual addresses by the Chief Minister of Gibraltar since 1993, our further support for the work and existence of this Committee by attending both the Pacific and Caribbean Regional Seminars on Decolonisation, and repeated expounding of our arguments we have little to show for our efforts. We have not succeeded in getting the Committee to openly declare our right to self determination, nor even in obtaining any change whatsoever to your long-standing, annual call for a continuation of bilateral negotiations between our Administering Power, (the United Kingdom) and the territorial sovereignty claimant (Spain) which we see as an intrinsic denial of our right to self determination.

This leads the people of Gibraltar to ask themselves, why? Is there any prospect of the Special Committee helping the people of Gibraltar to achieve respect of our right to decolonisation by the exercise of the right to self determination?

On the one hand, the people of Gibraltar hear the Committee say: - " In the process of decolonisation there is no alternative to the principle of self determination!". This suggests to us in Gibraltar that the Committee upholds our right to self determination. After all, Gibraltar is a colony on your list of Non Self Governing Territories. The UN calls for its decolonisation. If in the process of decolonisation there is no alternative to the principle of self determination, then, in calling for Gibraltar's decolonisation, the Special Committee must be saying that Gibraltar's decolonisation can only happen through self determination (since it is said that there is no alternative). But if this is so, why haven't we been able to persuade this Committee to at least ensure that Gibraltar has an equal voice in talks about its future?

On the other hand, the people also hear the UN, year in, year out, urge the UK and Spain to negotiate bilaterally between themselves to resolve their differences over Gibraltar. No mention is made in the consensus resolution of respect for the wishes of the people in deciding their own future. So how can this be consistent with the right to self determination of the people of Gibraltar? This would appear to be the language of a sovereignty dispute between two Member States and not of decolonisation by self determination of the people of the territory.

Is it that the Committee believes that Spain's sovereignty claim takes priority over and supersedes any right to decolonisation by self determination? Surely that cannot be so, because if it were so, Gibraltar would not be a decolonisation issue at all, nor be on the UN list of Non Self Governing Territories, since it would constitute a mere Sovereignty dispute. There is certainly no principle of resolution of sovereignty disputes by decolonisation, since decolonisation can only be achieved by self determination.

Furthermore the right to self determination of colonial peoples cannot (as the International Court of Justice has made clear) be displaced by a competing territorial sovereignty claim. A territorial claim is at best a unilateral claim of right, the right to self determination is an inalienable and sacred right under the UN Charter. The latter always prevails as a matter of international law and UN doctrine.

And so, Mr Chairman, these apparent contradictions confound the people of Gibraltar.

I do not want to trouble the Committee yet again this year with the detail of each of the parties' arguments in this issue. They are well known to the Committee.

Spain says that we do not have the right to self determination for three reasons. First, because she alleges that we are not an indigenous people, even though we have been establishing ourselves in Gibraltar since 1704 and despite the fact that half of the world's colonies (including her own) were decolonised by and in favour of so-called non-indigenous colonial peoples. Second, she claims that we are "an enclave," as if there was some special rule relating to enclaves which denies their people the right to self determination. There is not. If there were Spain could not herself hang on to her own two enclaves in North Africa. And thirdly, she argues that a clause in the Treaty of Utrecht of 1713 has the effect of denying us the right to decolonisation by self determination. We argue that the Treaty, properly interpreted, means no such thing and that even (which we deny) it once did, it has now been superseded by the Charter of the UN, which is primary and overriding international law.

So, the bottom line is this. We say that we have the same inalienable right to self determination that the UN Charter bestows on all Colonial peoples and we have repeatedly cited international law pronouncements by the International Court of Justice to sustain that view. Spain, on the other hand believes that (for the reasons that I have cited) we have no such right. She further argues that it is the doctrine of the UN (allegedly established in several non-binding United Nations General Assembly resolutions in the 1960s) that the decolonisation of Gibraltar must be brought about not by the principle of self determination of its people, but by the application of the alleged principle of territorial integrity.

We believe (again supported by the International Court of Justices' pronouncements) that there is no such doctrine of the UN and that (as a matter of international law) the principle of territorial integrity does not exist in the decolonisation process. Indeed, if Spain is right, then the UN is wrong to say that in the process of decolonisation there is no alternative to the principle of self determination. We believe that the principle of territorial integrity is intended to refer and apply to the non-existence of a right of self determination to enable territories and people who are currently integral parts of a Member State to

secede from and thus dismember that State. It is not applicable to claims to territorial restitution. Those are just plain and simple sovereignty disputes.

Spain's reliance on the principle of territorial integrity rests on the recital of that principle in paragraph 6 of the Decolonisation Declaration. (Resolution 1514) and in some 1960s resolutions relating to Gibraltar.

Mr Chairman, persuasive support for our view that the principle of territorial integrity does not apply to the decolonisation of Gibraltar is to be found in the Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations. This Declaration was adopted by the General Assembly on 24 October 1970 (Resolution 2625 (XXV)). A copy of the full text is annexed to the written copies of my address.

The Declaration, in its preamble, recites the principle of territorial integrity in the same terms as in the Decolonisation Declaration, namely: -

“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”.

But the meaning and purport of this principle is clearly and fully explained, in detail in the body of the Declaration under the heading “the Principle of Equal Rights and Self-determination of Peoples.”

It says that every State has the duty to promote the self determination of peoples in accordance with the provisions of the Charter “to bring about a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned.”

It then goes on to helpfully and specifically explain how the principle of territorial integrity interacts with the right to self determination. It says, and I quote: -

“Nothing in the foregoing paragraphs shall be construed as authorising and 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 and described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”

Mr Chairman the Kingdom of Spain is not “possessed of a government representing the whole people belonging to the territory.” Neither Spain nor its people are possessed of a government representing either the people or the

territory of Gibraltar. Gibraltar is not currently a part of Spain. The words "possessed of a government representing the whole people belonging to the territory" clearly demonstrate that the principle of territorial integrity applies only to prevent the disintegration, through secession and consequent dismemberment, of sovereign states as they are presently constituted. (or, at best were constituted when the Charter was adopted) That is quite obviously not the case of Gibraltar's decolonisation, viz a viz Spain.

Spain's territorial integrity may have been dismembered or impaired by military conquest in 1704 and by Spain's subsequent Treaty cession of Gibraltar to Britain in perpetuity in 1713. But does anyone really believe that the principle of territorial integrity can be used to rectify all the many hundreds of instances in the history of the world which have resulted in the loss of territory, during the last 300 years? Or that the principle of territorial integrity can be used to return the map of the world to what it was in 1704? The proposition is absurd! Yet this is precisely what Spain is trying to achieve. This is exactly the use that she seeks to make of the principle of territorial integrity. I say that it is not properly available to her for this purpose under international law.

And so, Mr Chairman this is the nature of the dispute. So, who is to decide whether Spain's or our interpretation and application of international law is right or wrong?

Perhaps the Committee will agree with me on this proposition: - "the existence or not of the right to self determination in favour of the people of Gibraltar is ultimately a legal question, that falls to be decided as a matter of international law." The Charter of the UN constitutes primary international law. The existence or not of rights thereunder, and the resolution of disputes thereon, is a matter of international law. Spain herself says that international law is what denies us self determination.

Well, Mr Chairman, if the correct position under International law, properly determined and adjudicated is that the people of Gibraltar, for whatever reason, do not enjoy the right to decolonisation by self determination then I wish neither to waste more of this Committee's time, nor to raise false hopes and expectations amongst the people of my small country by continuing to argue or pretend the contrary. We would have to take the consequences of that being the position on the chin.

But, Mr Chairman, the reverse is also true. If in fact, under international law, properly determined and adjudicated, we are entitled to the inalienable right to self-determination (as we believe to be the case) then it would be a total and unacceptable violation of our Charter Rights for this Committee, the Fourth Committee, the UK and Spain to proceed in a way inconsistent with that right.

Is it not then a case of establishing what international law on the question of Gibraltar actually is? Is the Treaty of Utrecht still valid? If it is, does it operate to deny or curtail our right to self determination? If so to what extent? Are we "a people" for the purposes of the Charter and Resolution 1514? Are the people of Gibraltar entitled to decolonisation of Gibraltar by the application of the principle of self determination in accordance with the Declaration and the Charter? Can a sovereignty dispute displace the right to self determination? Is the principle of territorial integrity applicable? If so to what extent and to what effect? These are legal questions, not political questions, and they should be decided by the International Court of Justice.

We should not be denied our rights under the Charter, if rights they are, simply because the two member states involved, the UK and Spain have agreed a consensus which, in effect, keeps us out of the right even if it exists.

It is to break this vicious circle that works against us that we seek the Special Committee's help. But only so that we can benefit from our rights such as they may be. We do not ask to be given rights that do not belong to us.

So we say to the Special Committee, if, for whatever reason you are not willing to declare unambiguously in favour of our right to self determination, at least help us in having the questions adjudicated by the International Court of Justice so that everyone knows what international law actually provides on the issue and so that the political issues can be swiftly resolved accordingly.

Mr Chairman, we therefore again call upon the Special Committee to recommend to the Fourth Committee that it should refer the question to the International Court of Justice for an advisory opinion and that it should urge the UK and Spain to agree to do the same. Why does Spain and UK refuse? Is it right and fair that our political rights as a colonial people be denied merely by self-serving assertions by Spain of what she believes international law to be, but is unwilling to test? I believe that it is not, and we seek the Committee's help in remedying this wrong.

Mr Chairman, it transpired at the Fiji Seminar last month that the Committee may be in some doubt as to the existence of the so-called "Fourth Option" for decolonisation, or whether there exist only the three mentioned in the Declaration.

Mr Chairman, may I in this respect again refer to the Declaration approved by the General Assembly in resolution 2625 (XXV) on 24 October 1970. I quote from it: -

"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 the people constitute modes of implementing the rights of self determination by that people."

The words "or the emergence into any other political status freely determined by the people", after listing the three "Declaration" options, clearly adds a fourth conceptual method of decolonisation, which appears to have been motivated by a desire to provide a way forward to remaining Non Self Governing Territories for whom the three main methods, were, for one reason or another, unviable in practice.

And so, Mr Chairman, it is against this backdrop that the UK and Spain began in earnest, last July, negotiations to arrive, by summer of this year, at an agreement concerning the constitutional and political future of Gibraltar and its sovereignty. In order (according to them) to bring about a stable, prosperous and secure future for Gibraltar. The UK says that it will only conclude an agreement which it believes is in the interests of Gibraltar.

Mr Chairman, the people of Gibraltar do not believe that their future stability, prosperity or security requires the Administering Power (the UK) to do a sovereignty deal with the territorial claimant (Spain). But even if this were not so, the people of Gibraltar firmly believe that we are the judges of our interests and that no agreement should be entered into that affects Gibraltar, its political future, its sovereignty or the political rights of its people without their consent or against their wishes, since this violates our right to self determination.

Mr Chairman, at the heart of the proposed Anglo Spanish Agreement is the concept of joint sovereignty. Leaving to one side for a moment the fact that the people of Gibraltar do not want joint sovereignty, I believe that as a concept, joint sovereignty, is in political and legal terms, an unworkable non-sense. Indeed it is a contradiction in terms. Furthermore, are we to remain a joint colony of the UK and Spain for ever? The very concept of joint sovereignty is misconceived and, for good and obvious reason, has no precedent in the modern world, and certainly none in the history of decolonisation. It is intrinsically colonial.

The United Kingdom and Spain have repeatedly invited me to take part in these negotiations. Despite the fact that I advocate, and have always advocated dialogue with Spain, I have refused to participate. Why? Given that I am pro-dialogue with Spain, am I now practising the politics of "the empty chair" (as I stand publicly accused by both the UK and Spain), or am I sensibly refusing to sit in an unsafe, booby trapped chair?

The answer, and the reason why I am not taking part in the dialogue, lies in the terms upon which I am invited to take part in the talks. The UK and Spanish Government expect the Gibraltar Government to take part in talks about the future of my country, in a manner that leave them free to reach political agreements above the head of the Gibraltar Government and against its wishes, even though those agreements will go to the very heart of our political rights as a colonial people. It is wholly unreasonable and unrealistic to expect the

Government of Gibraltar to attend talks on these manifestly unsafe and imprudent terms. It is wholly disingenuous and self servicing to misrepresent that as a refusal by Gibraltar to take part in dialogue.

In Spain's own words, I am invited (itself a curious word given that the talks are said to be about the future of my country) merely "to express an opinion on matters of my competence". As if that were not bad enough, Señor Pique, Spanish Foreign Minister, says that the opinion of the people of Gibraltar "is not relevant" on the question of sovereignty. In other words, I am invited to take part in the talks only to express my opinion, but on the sovereignty of my homeland not even to express my opinion. To participate on those terms would be to renounce our right to self determination, which we will never do.

And so, Mr Chairman, when the UK and Spain (as she did in Fiji last month) come here sounding generous in their references to invitations to me to take part in talks, but bemoaning the fact that I have declined, please bear in mind these points.

But, Mr Chairman, as I have also told this Committee on many occasions we would happily take part in talks in which the Gibraltar Government is able to fully and fairly represent and protect the political rights and wishes, and the interests of the people of Gibraltar. That requires that we are not mere witnesses in the process in which UK and Spain strike whatever deal they like. We must be a genuine participant on equal terms.

In other words, political agreements should not be reached unless they are agreed to by all three participants, including the Gibraltar Government. All proposals should be put to the people of Gibraltar in referendum and nothing rejected by the people of Gibraltar in referendum should remain on the table thereafter with any degree of continuing political validity or effect.

On the 18th March, practically the whole population of Gibraltar took part in a public demonstration behind a banner which read: -

"No in principle concessions against our wishes
Yes to reasonable dialogue."

The intention of the United Kingdom and Spain is that once they have entered into an agreement of the principles which they believe should govern the future of Gibraltar then it is intended that proposals based on those non-negotiable principles will be put to a referendum of the people of Gibraltar.

The Gibraltar Government believes in open agenda dialogue in which the people of Gibraltar can participate fully through their Government. We do not believe in dialogue the outcome of which, as to our political rights and future, is predetermined by a bilateral Anglo-Spanish "done-deal" at the outset. We will not

take part in dialogue simply to fill in the details of what the UK and Spain agree above our heads. That too would be to renounce and betray our right to self-determination, to decide our own future.

The United Kingdom have promised that nothing that they agree with Spain will be implemented in practice if rejected by the people of Gibraltar in referendum. But there are two fundamental flaws in their approach that betray our rights as a people and disregard our wishes.

The first flaw is that once they strike an unacceptable and non-negotiable Agreement of principles this necessarily will pre-determine any process of dialogue designed to draft detailed proposals which may occur between the Agreement of principles and the referendum.

The second is that the promised referendum is only about practical implementation of whatever proposals emerge. Even if we reject those proposals in a referendum the concessions of principle contained in the proposed Anglo-Spanish agreement (which will precede the referendum) will survive and will remain on the table as the agreed Anglo-Spanish position on "the best way forward" to the prejudice of our political rights. So much is clear from the publicly stated position of the United Kingdom.

In other words the UK will respect our right to say no to Spanish Sovereignty in practice in that it will not physically implement any agreement against our wishes, but will not respect our political right to decide our own future in that it intends to enter into agreements with Spain about the principles applicable to the determination of our future, against our wishes and leave that agreement on the table, even if rejected in referendum. This amounts to a betrayal and violation of our right to self-determination.

This is what the UK and Spain intend to do, and this is why Gibraltar cannot participate in the current talks, until they agree to fully respect the wishes of the people in both the nature of Gibraltar's participation and substance of the talks. These must provide a full and equal measure of representation for the Gibraltar Government at the talks and ensure that nothing that the people reject in referendum will survive such a referendum.

However, in what may constitute an equally unacceptable variation to this plan, very recent public statements by UK and Spanish ministers suggest that, as an alternative, the UK and Spain may do an agreement on the principles affecting our sovereignty, our political rights and constitutional future but delay putting proposals based on those principles to the people in referendum for several years, until they think that it might be accepted by us. This equally violates our political rights, and begs the question – what will they do to soften us up in the meantime? Already direct and specific threats have been issued in this respect

from the Spanish Prime Minister, Señor Aznar, and, in more veiled terms, from London.

The Gibraltar Government has made it publicly clear that if the UK and Spain reach an agreement that is politically prejudicial to Gibraltar, the Gibraltar Government will not just allow it to lie on the table. We will ourselves organise a referendum to give the people of Gibraltar an early and proper opportunity to express their views on it.

Mr Chairman, you may thus judge for yourselves whether the invitation extended to us to participate in the talks is a genuine, proper and reasonable one; or alternatively whether it merely disguises a continuing bilateral and unequal process which systematically violates our political rights as a people. In Fiji last month, my deputy, Mr Azopardi, proposed an alternative, more balanced language for draft seminar conclusion number 48.

His proposal called for the replacement of the reference to "UK and Spain" in the description of the process of dialogue by a reference to "interested parties" (which would obviously include the Gibraltar Government on behalf of the people of Gibraltar) and also called for the inclusion of a reference to the outcome having to be in accordance with the freely expressed wishes of the people of Gibraltar. Spain opposed it. However, I would urge you, in the interests of consensus and balance to adopt that suggestion.

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

The General Assembly,

Recalling its 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, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,¹ which met in Geneva from 31 March to 1 May 1970,

Emphasizing the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

Deeply 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 twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter,

Considering the desirability of the wide dissemination of the text of the Declaration,

1. Approves 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 text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

3. Recommends that all efforts be made so that the Declaration becomes generally known.

1883rd plenary meeting,
24 October 1970.

¹ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 18 (A/8018).

ANNEX

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

PREAMBLE

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations 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 development,

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 the 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 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, 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,

1. *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 on 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 of the United Nations, 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, 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.

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.

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, 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 States 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

1. Declares that:

In their interpretation and application the above principles are interrelated 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.

2. 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 the strict observance of these principles.