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Summary record of the 22nd meeting

Topic:
Fundamental rights and duties of States

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as regards the need of relationship between the preamble and the text of the Declaration. However, neither the second paragraph of the Sub-Committee's text, nor that of Mr. Spiropoulos, showed any necessity of drawing up a Declaration on the rights and duties of States.

84. Mr. SPIROPOULOS believed that there must have been some misunderstanding with regard to the intention of his proposal. The word "modern" in the fourth paragraph of his draft did not imply new international law exclusively, but covered all existing principles of international law, international law as it was at that time. As regards the second paragraph of his text, the existence of new principles which should be codified could not be denied.

85. His only purpose in drafting his proposal had been to establish a much-needed connexion between the body of the Declaration and its preamble. He would be prepared to support any other proposal to that effect which might be deemed preferable.

The meeting rose at p.m.

22nd MEETING

Tuesday, 17 May 1949, at 3 p.m.

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Chairman: Mr. Manley O. HUDSON.

Rapporteur: Mr. Gilberto AMADO.

Present:

Members: Mr. Ricardo ALFARO, Mr. JAMES L. BRIERLY, Mr. Roberto CORDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Vladimir KORETSKY, Sir Benegal N. RAU, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. Jesús María YEPES.

Secretariat: Mr. KERNO, Assistant Secretary-General in charge of the Legal Department; Mr. LIANG, Director, Division for the Development and Codification of International Law, Secretary to the Commission.

Draft Declaration on the Rights and Duties of States (*continued*)

SECOND READING (*concluded*)

Preamble (*continued*)

1. Resuming consideration of the preamble to the draft Declaration, the CHAIRMAN presented

the following draft, in which he had endeavoured to combine the essential points contained in the two drafts submitted by the Sub-Committee and by Mr. Spiropoulos respectively:

"Whereas the States of the world form a community which is governed by international law;

"Whereas the progressive development of international law requires effective organization of the community of States;

"Whereas a great majority of the States of the world have established a new international order under the Charter of the United Nations, and most of the other States of the world have expressed their willingness to accept this new order;

"Whereas the primary purposes of the United Nations are to maintain international peace and security and to bring about the settlement of disputes by peaceful means and in conformity with the principles of justice and international law;

"Whereas the reign of law is essential to the realization of these purposes;

"Whereas it is desirable to formulate certain basic rights and duties of States in the light of modern international law;

"Having in mind . . ."

2. He explained that the first two paragraphs represented the first paragraph of the Sub-Committee's draft, adapted to the language used by Mr. Spiropoulos, and that the third paragraph reflected the idea contained in the second paragraph of the Sub-Committee's draft.¹

3. Mr. YEPES, while approving the substance of the first paragraph, suggested that the sentence might be lightened by the omission of the words "which is".

It was so decided.

4. The CHAIRMAN put the first paragraph as amended to the vote.

The first paragraph was adopted by 12 votes to none.

5. Turning to the second paragraph of the preamble, Mr. YEPES suggested that the expression "requires effective organization . . ." implied either that the United Nations was not the organization referred to or, if it was, that it was not effective.

6. The CHAIRMAN suggested that the following text might meet that objection:

"Whereas a great many of the States of the world have established an effective organization, which is the United Nations."

7. Mr. SANDSTROM preferred the Chairman's previous draft, and suggested that Mr. Yepes'

¹ See A/CN.4/SR.19, footnote 2.

objection was not valid, since the reference in the second paragraph to the organization of the community of States was to the abstract idea, and would be followed by the concrete reference in the next paragraph.

The second paragraph was adopted by 8 votes to none.

8. Mr. YEPES stated that he had abstained as he considered the paragraph to lack clarity.

9. The CHAIRMAN explained that the last phrase of the third paragraph of his draft preamble was based on the fact that all the States of the world who were not yet Members of the United Nations had, with two exceptions, applied for membership.

10. Mr. KERNO (Assistant Secretary-General) noted that rule 123 of the rules of procedure of the General Assembly provided that an application for membership of the United Nations must be accompanied by a declaration, made in a formal instrument, that the applicant State accepted the obligations contained in the Charter. The word "expressed" might therefore be changed to "declared".

It was so decided.

11. Mr. ALFARO suggested that the concept of an organization should be reflected in the third paragraph, since that paragraph was intended to lead on from the second. If, however, the Commission decided not to use the word "organize" or "organization" in the third paragraph, then it might be advisable to amend the second paragraph to accord with it.

12. In response to a suggestion by the Chairman, he proposed that the phrase "have established a new international order" should be amended to "have organized a community".

13. Mr. BRIERLY proposed a combination of the two suggestions, namely: "have organized themselves in a new international order. . ."

14. Mr. KORETSKY pointed out that the expression "new order" had an unfortunate connotation after the experience of recent years.

15. Mr. BRIERLY thought that there could be no objection to the expression "new international order", and suggested that the word "new" should be omitted from the second reference to that order.

It was so decided.

16. Mr. YEPES considered that the meaning would be clearer if the second and third paragraphs were combined.

17. The CHAIRMAN did not favour that suggestion, particularly because he considered it would weaken the force of the third paragraph. He put to the vote the third paragraph of the preamble in the following form:

"Whereas a great majority of the States of the world have established a new international

order under the Charter of the United Nations, and most of the other States of the world have declared their willingness to accept this order;"

The third paragraph, as above, was adopted by 11 votes to none.

18. The CHAIRMAN observed that the text which had just been adopted showed that the great majority of the States, responding to the necessity for effective organization, had established the United Nations. He asked whether the objection which Mr. Alfaro had raised earlier had thus been met.

19. Sir Benegal RAU suggested that that objection would be completely met if the word "accordingly" were inserted before "established."

It was so decided.

20. The CHAIRMAN pointed out that nearly every term in the fourth paragraph of his draft preamble had been taken from paragraph 1 of Article 1 of the Charter. By emphasizing the international law aspect, it was designed to lead up to the emphatic tone of the fifth paragraph.

21. Mr. KERNO (Assistant Secretary-General) said that there had been considerable discussion when the Charter had been drawn up on the question of the Purposes of the United Nations, and that those purposes had been finally embodied in four paragraphs, none of which could be regarded as containing separately the primary purposes.

22. He drew the attention of the Commission to the fact that the discussion at San Francisco had shown that the adjustment and the settlement of international disputes had been regarded as of equal importance.² The Commission might, therefore, wish to include both words.

23. The CHAIRMAN accepted Mr. Kern's first suggestion, to the effect that "the primary purposes" should be replaced by "a primary purpose", but did not accept his second suggestion.

24. Mr. ALFARO thought that the phrase concerning the settlement of disputes by peaceful means might be omitted, since the idea was contained in the first part of the same paragraph. In the paragraph of the Charter the peaceful settlement of disputes was just one of the means to maintain international peace and security.

25. Mr. SANDSTROM pressed for the inclusion of that phrase as leading up to the proclamation of the rights and duties of States, and because he considered it desirable that the paragraph should contain a reference to international law.

26. The CHAIRMAN suggested that an earlier text he had prepared for the fourth paragraph, including the present fifth paragraph, should be adopted, since it would not be open to the objections that had been raised to his current proposal.

² See Report of Sub-committee I/1/A of the San Francisco Conference, U.N.C.I.O. Doc. 723, I/1/A/9, 1 June 1945, Vol. 6, pp. 702-703.

The text was the following:

"Whereas a primary purpose of the United Nations is to maintain international peace and security and the reign of law is essential to the realization of this purpose;"

27. Mr. SCALLE supported that proposal.

28. Mr. YEPES proposed that the words "and justice" should be inserted after the phrase "and the reign of law". He added that the word "justice" was included in the Charter.

29. The CHAIRMAN and Mr. ALFARO observed that that would turn the phrase into a purpose, instead of a means to attain the objective of the maintenance of international peace and security.

30. Mr. KERN (Assistant Secretary-General) recalled that the smaller nations had been anxious to include the term "in conformity with the principles of justice and international law" in the original draft of Article 1, paragraph 1, immediately after the words "maintain international peace and security.", but had been overruled.³ The text proposed by the Chairman was more in conformity with what had been attained at the San Francisco Conference.

31. The CHAIRMAN asked the Commission to vote on the inclusion of the words "and justice" after the phrase "and the reign of law."

It was decided, by 6 votes to 3, that those words should be included.

32. The CHAIRMAN put the fourth paragraph, as amended, to the vote.

The fourth paragraph, as amended, was adopted by 11 votes to none.

33. Mr. YEPES wondered whether the Commission intended to include in the preamble the third paragraph of the draft preamble submitted at the previous meeting by Mr. Spiropoulos, namely:

"Whereas these principles consecrated by the Charter of the United Nations constitute the common law of nations of today;"

34. In his opinion the fact that the Principles of the United Nations were part of the common law of nations should be included in the preamble, if not in the declaration itself.

35. Mr. KORETSKY suggested that there was no practical difference between the meaning of the expression "the common law of nations" and "general international law."

36. The CHAIRMAN objected that the Commission could not properly make the statement contained in the paragraph under discussion.

37. Mr. BRIERLY endorsed that view. In his opinion it would be an incorrect statement, since

the Charter of the United Nations did not constitute all the common law of nations.

38. At the request of Mr. YEPES, Mr. KERN said that, in his opinion, the third paragraph already contained the idea that the Charter of the United Nations was a fundamental part of international law, and there seemed to be no need to repeat it.

39. The CHAIRMAN put to the vote the proposal that the idea that the Charter was a foundation of international law should be included in the preamble, over and above the indication in the third paragraph.

The proposal was rejected by 7 votes to 4.

40. The CHAIRMAN opened the discussion on the sixth paragraph of his draft preamble, which, owing to the merging of the fourth and fifth paragraphs, had now become the fifth. He was in favour of the term "certain basic rights" as the Declaration would not be exhaustive and he had adopted the term "modern international law" from Mr. Spiropoulos' draft.

41. Mr. Sandström had suggested to him that the phrase "in the light of modern international law" should be replaced by the phrase "in their mutual relations under the new order.". He himself, however, objected to the expression "the new order."

42. Mr. FRANÇOIS said that that expression could hardly be misinterpreted, since it obviously referred to the Charter of the United Nations, but he preferred the wording proposed by the Chairman.

43. The CHAIRMAN added that the preamble could not properly refer to the mutual relations under the Charter of *all* States.

44. Mr. AMADO referred again to the third paragraph of Mr. Spiropoulos' preamble, which had previously been quoted, and suggested that the phrase "consecrated by the Charter of the United Nations" should be taken out of that draft and included in the paragraph under discussion.

45. The CHAIRMAN said that if the phrase "and in accordance with the principles consecrated by the Charter" were added to the fifth paragraph as he had drafted it, the principles referred to would be the various principles declared throughout the Charter, not only in Article 1. Furthermore, he considered that the word "consecrated" had a connotation which made it unsuitable for use in that text. He would prefer the word "contained."

46. Mr. ALFARO considered that "modern international law" was too vague a concept. He thought the Commission should find a text which would indicate the blending of customary international law with the new order established by the United Nations through its Charter, the Universal Declaration of Human Rights, etc. In

³ San Francisco Conference, Committee I/1, 9th meeting (1 June 1945), U.N.C.I.O. doc. 742, I/1/23(1), Vol. 6, p. 319.

his opinion, Mr. Sandström's proposal did express that blending.

47. Mr. YEPES supported that view.

48. The CHAIRMAN put to the vote the paragraph as it would read with Mr. Sandström's amendment and with the addition of the word "international" before "order" suggested by Mr. Briery:

"Whereas it is desirable to formulate certain basic rights and duties of States in their mutual relations under the new international order."

That proposal was adopted by 6 votes to 4.

The vote was considered not to indicate a sufficient preponderance of view.

49. The CHAIRMAN suggested the expression "in the light of modern developments of international law."

That wording was adopted by 10 votes to none.

50. Mr. YEPES pointed out that on the preceding day five members had sponsored the following paragraph:

"Whereas the community of States is universal and participation in its constitutional organization should also be universal and obligatory".

51. The CHAIRMAN did not consider that phrase to be correct, if it referred to the United Nations, for the organization was not yet universal and participation was not compulsory. The paragraph would not therefore lead up to the Declaration and was irrelevant.

52. Mr. SCALLE considered that the wish contained in the paragraph might find expression in the preamble.

53. Mr. CORDOVA felt that the General Assembly might interpret the paragraph as a criticism of the Charter. Moreover, by adopting it the Commission would be exceeding its terms of reference, which did not include expressing a political opinion on the future course of the United Nations. The Charter neither made membership compulsory nor admission automatic.

54. Mr. SCALLE agreed that if the paragraph might be so construed by the General Assembly, it would certainly be more prudent not to adopt it.

55. Mr. YEPES said he would not press his proposal.

56. The CHAIRMAN asked the Commission to consider the next paragraph of the preamble as drafted by the Sub-Committee, which read:

"Having in mind the principle that rights and duties are correlative and the right of one State implies the duty of other States to respect it."

57. He himself proposed the following alternative wording:

"Having in mind that, rights and duties being correlative, the right of a State here for-

mulated implies the corresponding duty of other States and the duty of a State here formulated implies the corresponding right of other States."

58. Mr. Yepes had proposed:

"Having in mind that, rights and duties being correlative, the right and duty of a State here formulated implies the corresponding duty or right of other States."

59. Mr. FRANÇOIS preferred the wording of the Chairman, but objected to the phrase "rights and duties being correlative", pointing out that that was not always true, particularly in the laws of war.

The Commission decided to delete the words "rights and duties being correlative."

60. After a short discussion, in which Mr. ALFARO defended the inclusion of the paragraph on the ground that the common people needed to be reminded of the fact that rights implied corresponding duties, and conversely, and in which the CHAIRMAN, Mr. SPIROPOULOS, Mr. CORDOVA and Mr. AMADO observed that they considered the paragraph unnecessary, the CHAIRMAN asked the members of the Commission to vote on the retention of the substance of the proposed paragraph.

The Commission decided, by 9 votes to 2, not to retain it.

61. Mr. YEPES explained his vote in favour of its retention and pointed out that several times during the discussion of the articles it had been proposed that an indication of the correlative rights and duties for each duty or right laid down in the Declaration should be included, and that on each occasion the proposal had been set aside on the ground that the preamble would contain a provision to that effect.

62. Mr. SCALLE wished to explain why he had voted against Mr. Yepes' proposal. From a legal standpoint the question which divided the Commission could be stated as follows: when a Government performed a legitimate act, it created a legal situation with which no one could interfere; that was the definition of a right. Other Governments were obliged to respect that situation, but a correlative duty was not necessarily involved; in the majority of cases the obligation was a passive one. He did not press for the inclusion of that idea in the Declaration; he had merely wished to explain why he could not vote for the proposed article.

63. The CHAIRMAN asked the Commission to consider the final paragraph of the preamble: "The General Assembly of the United Nations adopts and proclaims the following (Declarations . . .)".

64. He would prefer to say: "The General Assembly of the United Nations adopts and proclaims, subject to the provisions of the Charter of the

United Nations, this (Declaration. . .)”. The same wording had been proposed by Mr. Yepes.

65. Mr. CORDOVA thought that the phrase “subject to the provisions etc.” might risk being interpreted wrongly as meaning that the exercise of the rights and compliance with the duties set forth in the Declaration might conflict with the Charter. He referred in particular to the provisions concerning intervention.

66. Mr. SPIROPOULOS agreed with Mr. Córdova. He did not think that the phrase “subject to the provisions of the Charter” should appear in the Declaration. Firstly, the Declaration was also intended to apply to non-member States. Secondly, the phrase seemed to imply that some of the Declaration might be in contradiction with the Charter; thirdly, the point was adequately covered by Article 103 of the Charter.

67. Mr. SANDSTROM objected to that phrase. In his opinion the important point was not that the articles of the Declaration might be contrary to provisions of the Charter, as great care had been taken to avoid that, but that obligations under the Charter would prevail over duties under the Declaration: for example, enforcement action decided on by the Security Council could not be regarded as a violation of the duty to refrain from intervention in the affairs of another State.

68. Mr. BRIERLY was also opposed to the clause. If the General Assembly adopted such a Declaration, it could assume that the world would understand that it did not act contrary to the Charter.

69. Mr. ALFARO was likewise opposed to the inclusion of the phrase in the paragraph under consideration, but thought the Commission might reconsider the possibility of including it in the preceding paragraph, and wording it “in harmony with the provisions of the Charter”, as the present wording seemed to presuppose the possibility of conflict with the Charter.

70. Sir Benegal RAU defended the clause and considered that the Declaration should state somewhere that the Commission regarded the provisions of the Charter as part of the general international law of the modern world.

71. Mr. YEPES pointed out that at the previous meeting the proposals of Sir Benegal Rau and himself to have an article in the body of the Declaration of similar content to the previous clause, had been defeated, it having been considered preferable for it to figure in the preamble.

72. The CHAIRMAN withdrew his proposal, and asked the Commission to vote on the paragraph beginning “Having in mind. . .” in the Sub-Committee’s draft, subject to the substitution of “this” for “the following”.⁴

The paragraph was adopted by 12 votes to none.

73. The CHAIRMAN announced that the Commission had concluded its second reading of the draft Declaration, and proposed that it should be referred to the same Sub-Committee⁵ that had previously worked on it, for examination with a view to consistency of subject matter and style, and also with regard to the arrangement of the articles, with which he was not entirely satisfied. The Commission would then proceed to a third reading.

At Mr. BRIERLY’s suggestion, the Commission requested the Chairman to participate in the work of the Sub-Committee.

74. In reply to a question by Mr. KORETSKY, the CHAIRMAN stated that he hoped the Commission would be able to adopt a final text at the current session. It would be, however, for the Commission to decide what procedure it wished to adopt after completing the third reading of the draft.

75. Mr. KORETSKY did not think it would be possible to complete the work during the current session. After studying the Sub-Committee’s text, members should be given time for reflection and should then re-examine the draft at the following session. The terms of reference of the Sub-Committee were not to reconsider the substance of the draft, and it should therefore be possible for the Commission to decide immediately what procedure it would follow.

76. Mr. SPIROPOULOS emphasized that the Sub-Committee should confine itself strictly to drafting and should introduce no modifications of substance.

77. Mr. KORETSKY welcomed the idea of referring the text to a sub-committee for drafting revisions, although he did not share the Chairman’s view that the Commission should adopt the final form at the third reading for presentation to the forthcoming session of the General Assembly. It was clear from the summary records and press-releases of the Commission’s meetings that the various articles had only been tentatively adopted and required further consideration.

78. He had previously criticized certain shortcomings in the Panamanian draft, which had not been met in the present draft. His principal objections to it were, firstly, that it did not embody such fundamental principles of the United Nations as sovereign equality of its Members and the right of self-determination of peoples, and secondly that it did not defend States against interference, in matters falling essentially within their domestic jurisdiction, by international organizations or groups of States. The Commission had completely overlooked the rights of individual States. The purpose of the community of States

⁴ See *supra* paras. 56 and 63.

⁵ Set up at the 16th meeting. See A/CN.4/SR.16, para. 114.

was to safeguard the rights of individual States. He had been surprised to see that those who on other occasions had championed the rights of the individual as against society should so strongly support the collective principle when it came to rights of States, and raise the question of a super-State which, in his view, would lead to the disintegration of individual States.

79. In the third place, the draft did not set forth the very important duty of States to take measures for the maintenance of international peace and security, the prohibition of the atomic weapon and for a general reduction of armaments and armed forces. Although the preamble mentioned maintenance of peace and security as one of the primary purposes of the United Nations, it did not provide for measures for implementation. The draft further did not proclaim the duty of States not to join aggressive blocs such as the North Atlantic Pact and the Western Union, which, while pretending to safeguard international peace and security, were actually military alliances.

80. His fourth objection was that the draft ignored the important duty of States to eradicate the last vestiges of fascism and to prevent its possible rebirth.

81. In the fifth place, it did not establish the duty of a State to ensure full equality among its citizens without distinction as to race or nationality, as well as to fight against any racial, national or religious prejudice among its people, and to prevent the propagation of hatred.

82. Lastly, it did not point out the important duty of States to safeguard fundamental human rights and freedoms, in particular the right to work and to protection against unemployment, by adopting measures to provide useful employment for all. The results of the Commission's work showed that his remarks had not been taken into consideration.

83. In certain respects, attempts had been made to improve the Panamanian draft. The United Nations had received "recognition", although in a half-hearted way as if there were some reluctance to strengthen its activities. He noted, in that connexion, that the proposal for a clause stating that the articles of the Declaration were valid subject to the provisions of the Charter had been rejected, while the Charter provisions on individual and collective self-defence had been distorted in the draft.

84. The new draft, especially article 16, went even further than the Panamanian text in negating the sovereignty of States. The "doctrine of the super-State" was being used by those who were striving to attain world domination. Instead of supporting the principles of sovereignty, self-determination, independence, true equality of States, and liberation of States from dependence upon other States, they were trying to prevent

any action designed to free the peoples from exploitation and oppression.

85. With reference to the remark by one of the Commission's members that the concept of the super-State was "revolutionary", Mr. Koretsky pointed out that it was "counter-revolutionary" inasmuch as it was designed to bring about the absolute enslavement of peoples. It showed a reactionary spirit. No one who loved his country, but only those who were striving to acquire strength from outside in order to suppress their own people, would think of such a doctrine.

86. Mr. Koretsky fully recognized international law, violations of which had brought untold suffering to millions of his people, but he wished to point out that international law, which had been born of the struggle for national sovereignty, for liberation from the tyranny of another State, could only exist so long as there were sovereign States whose relations it governed.

87. With regard to the question of transmitting the draft Declaration in its present form to the following session of the General Assembly, Mr. Koretsky noted that many of its articles had been adopted by a scant majority, with many abstentions and only after repeated voting. He considered that the draft required further consideration and modification. By referring the matter immediately to the General Assembly, the Commission would merely be transmitting a number of controversial questions which it had not yet been able to solve. It would be worse to present an unfinished document than to be accused of delay.

88. The vital questions under consideration could not be decided by show of hands alone, but should be settled by the force of argument. In view of the necessity of obtaining the views of Governments and scientific institutes of international law on the present text, which differed substantially from the Panamanian draft, he proposed that its final adoption should be postponed until the Commission's following session.

89. The CHAIRMAN stated that the question before the Commission was whether the draft Declaration should be referred to the Sub-Committee for drafting revision, with a view to a third reading in the Commission.

90. Mr. SCHELLE felt that before a vote on that matter could be taken, the Commission must know the Sub-Committee's terms of reference, as well as the purpose of the third reading. The Commission had repeatedly considered and voted on the different articles of the Declaration, and its work was threatening to become purely academic if no final decision was adopted. He therefore considered that if the Commission decided to refer the draft to the Sub-Committee it should

do so for the exclusive purpose of polishing the text, the substance of which must remain unchanged.

91. Contrary to Mr. Koretsky, Mr. Scelle considered that the draft should be presented to the fourth session of the General Assembly. He was therefore in favour of finishing the work on the draft Declaration and then proceeding to another subject.

92. The CHAIRMAN thought that the Sub-Committee might also be instructed to check the versions of the Declaration in the other working languages.

93. Mr. ALFARO agreed with Mr. Scelle that it was the Commission's duty to finish the Declaration at its current session. The Commission would appear ridiculous in the eyes of the world if, after all its lengthy deliberations, it decided to reconsider the text at its following session. He therefore supported the Chairman's proposal.

94. In reply to a question by Mr. CORDOVA, the CHAIRMAN stated that the Sub-Committee's terms of reference would be to polish the text of the draft Declaration and to check the versions of it in the other working languages, for the Commission's consideration at the third reading. The Sub-Committee would be free to seek the assistance of other members of the Commission.

95. Mr. SPIROPOULOS reserved the right to speak on the Declaration as a whole at the third reading.

96. The CHAIRMAN put to the vote the question of referring the draft to the Sub-Committee.

The Commission decided by 11 votes to 1 to refer the draft to the Sub-Committee.

97. After a brief discussion of procedure, Mr. CORDOVA proposed that the Commission should finish its work on the Declaration before proceeding to other items on its agenda.

Mr. Cordova's proposal was adopted by 8 votes to 2.

98. Mr. HSU, referring to Mr. Koretsky's criticism of the draft Declaration, suggested that the latter submit a number of concrete proposals on the text for the Commission's consideration.

99. Mr. ALFARO asked for clarification of the meaning of the words "modern developments of international law". The word "modern" was a concept of time, and it was not clear when that modern development had begun, nor which instruments of international law belonged to the period of modern development.

The meeting rose at 6 p.m.

23rd MEETING

Thursday, 19 May 1949, at 3 p.m.

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Chairman: Mr. Manley O. HUDSON.

Rapporteur: Mr. Gilberto AMADO.

Present:

Members: Mr. Ricardo J. ALFARO, Mr. James L. BRIERLY, Mr. Roberto CORDOVA, Mr. J. P. A. FRANÇOIS, Mr. Shuhsi HSU, Mr. Vladimir M. KORETSKY, Mr. A. E. F. SANDSTRÖM, Mr. Georges SCELLE, Mr. Jean SPIROPOULOS, Mr. Jesús María YEPES.

Secretariat: Mr. LIANG, Director, Division for the Development and Codification of International Law; Secretary to the Commission.

Draft Declaration on the Rights and Duties of States (*continued*)

THIRD READING

1. The CHAIRMAN opened the third reading of the draft Declaration on Rights and Duties of States, based on the revised text submitted by the Sub-Committee.¹ That document contained

¹ "Whereas the States of the world form a community governed by international law;

"Whereas the progressive development of international law requires effective organization of the community of States;

"Whereas a great majority of the States of the world have accordingly established a new international order under the Charter of the United Nations, and most of the other States of the world have declared their [willingness to accept] *desire to live within this order*;

"Whereas a primary purpose of the United Nations is to maintain international peace and security, and the reign of law and justice is essential to the realization of this purpose; *and*

"Whereas it is *therefore* desirable to formulate